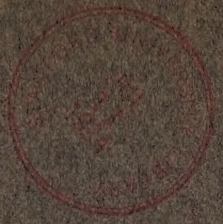

Some Aspects

of the

Social Power of Wealth.

By

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LINCOLN, NEBRASKA

1903

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SOME ASPECTS

OF THE

Social Power of Wealth.

A Thesis Presented to the Faculty of the

UNIVERSITY OF NEBRASKA

BY

EDWIN HELLABY WILLISFORD, A. M., B. D.

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Some Aspects of the Social Power of Wealth.

INTRODUCTION.

Facts without theories are delusive; theories without facts are vain.—KANT.

In harmony with this thought of Kant, the scope of this thesis will assume a two-fold character; (1) the collection and comparison of facts, and, (2) the consideration of the deductions therefrom.

To study the customs and institutions of a people, is one of the best ways to learn their history. All peoples have certain well defined[1] and developed customs and institutions; among these are marriage, family, religion, military system, property, government and law. Attention will be given to the study of such customs and institutions, covering long periods of time, as will show the influence of wealth on social life; and the varying effect of wealth in the stages through which the race has passed; as the savage, barbaric, and civilized; also the effect of the economic and political forces, such as normadic conditions, free land, proprietorship, feudal system, inheritance and entailed property.

The commercial aspect of wealth has received much attention, but the social power of wealth has had but scant consideration. Therefore the purpose of this thesis will be to prove that wealth plays an important social rôlè and that the possession of wealth and its conspicuous consumption yields social prestige.

The social power of wealth lies in the fact that it enables the possessor (1) to satisfy his non-economic desires; (2) to enjoy immunity from many requirements which the man in general must meet, and (3) to ignore custom without loss of caste. The old is sacred, custom is law inexorable, possession of wealth permits a departure from, a disregard of custom, and law, not

[1]Jevons. An Introduction to the History of Religion, 2.

only with impunity but such disregard and departure tends to increase the social power of the individual. Wealth helps to rive the sail of an opponent, to escape justice, to secure the favor of the gods—and of men.

To clearly discern between the social or non-economic and the economic aspects of wealth is not always easy. The latter has to do with the production of wealth while the former has to do with the consumption of wealth, particularly in those forms of consusumption which satisfy the non-economic wants and desires of man.

The economist deals with the production of wealth, with profits, with dividends; the sociologist with the expenditure of wealth and especially its social effects. Commercial activity has too often been considered the end, when in fact, it is the means or highway to the end. "Broadly stated, economics may be said to benefit the producer while sociology benefits the consumer. But the term producer must be taken in its widest and really proper sense of any one who by any form of labor adds anything to the value, i. e. to the utility of a product. The term consumer, on the contrary must be taken irrespective of whether he is also a producer or not."[1] Commercially men seek to acquire wealth that they may transact a still larger business, socially men seek wealth that it may be expended, like that of the old Venetian, in palaces, and galleries, gathering therein the glories of the fine old world life. Many a man is goading himself on in the mad stampede for wealth in order that his bank account may allow him to enlarge and beautify his home, to enrich it with the paintings of the masters, with famous statuary, with rare books and renowned bric-a-brac; he well knows that such conspicuous display of wealth yields large returns in social prestige. There is a sense in which the economic man may be at the same time the non-economic man, for, "the economic man is not plain affinity for wealth. Sometimes he is a more expert and persistent scatterer than accumulator of wealth. Sometimes wealth is almost altogether a means with him, and scarcely to any appreciable degree an end. Sometimes he plays the economic game just as another plays whist or billiards or golf. Sometimes he wants wealth because his

[1]Ward. Outlines of Sociology, 285.

wife wants society. Sometimes he wants wealth in order to propagate his creed, or to punish his enemy, or to win a maid, or to buy a title, or to control a party. In either case the economic man is a man of highly mixed motives."[1]

Wealth as a social factor has too long been overlooked. The proper interpretation of its relation to society will serve to explain many of the problems which have long remained unsolved. Its study has revealed so many of the reasons for conditions as they now exist that it has come to be considered the magic key for revealing the secrets of the past.

NOTE.

In addition to the study already in evidence much research has been made and much material gathered on the following topics. I. Wealth and Woman, including, wife purchase, free choice, marriage, divorce, birth rate, prostitution, economic and social status. 2. Wealth and Art, character of early art, deteriorating effect of wealth. 3. Wealth and Display, ceremonies, decoration, ornamentation, dress, insignia, titles, ancestors, national and race characteristics, as Negro, Spaniard, Italian, German, English, etc. 4. Amusements, sports, as reserves for game, special game laws for benefit of wealthy. 5. Origin and purpose of sumptuary laws. 6. Property, kinds, significance of, inheritance, primogeniture and dower, 7. Wealth and military service, equites, knights, etc. 8. Limitations of the Social Power of Wealth.

[1]Small. General Sociology, 450.

PART I.

WEALTH AND SOCIAL PRESTIGE.

Chapter I.

WEALTH THE MEDIUM OF SOCIAL PROGRESS.

Large Wealth Essential.

The term "wealthy" is only relative. It cannot be given a definite value. When used to express the worth of an individual it must signify that he possesses goods in large quantities, in quantities, more than the majority of his fellows possess. To secure favor or prestige there must be relatively large possessions. For if, "all men were possessed of a great deal, but all of an equal amount, each would be compelled, in may be conjectured to be his own chimney sweep, his own scavenger and boot black. And how can anyone then be properly called wealthy? This is the social side of the idea of wealth. Hence a person, with the same resources might be very wealthy in a provincial town, while in the capital, he could enjoy only moderate comfort."[1]

The kind of wealth is not so important. Among the early Greeks any product possessed in quantity constituted wealth. But when civilization is advanced far enough so that a state is formed, a symbol, representative of wealth is adopted, namely, money. This becomes the substitute for all forms of property and the pursuit of wealth becomes the pursuit for money.

The possession of large wealth and its relation to social prestige seems to suggest the following laws and corollary:—

1. Incomes that leave no margin for unproductive consumption and conspicuous display do not procure social prestige. 2. That any increase in incomes that leaves a margin confers social prestige. 3. That the amount of social prestige yielded by such surplus is not proportional with the increase. That is, any increase in the margin, yields more than a corresponding increase of social prestige.

[1]Roscher. Principles of Political Economy, 1; 68-69.

The philosophy of this is based on the principle that the expenditures of men are divided into three classes, A. Necessities. B. Comforts. C. Luxuries. Let $400 represent the cost of necessities. Then if A, B and C receive $400 each they will only be able to supply themselves with necessities and all will live on the same scale. But if the income should be increased, so that B should receive $500 and C $600 and A's remains at $400, and $400 be the point where comforts begin and $500 the point for luxuries; then A, B and C will no longer be on the same social level, for B will have $100 to spend for comforts and C will have $100 for comforts and $100 for luxuries. The standard of living being unchanged there are three social levels created. If $100 be again added to the incomes so that they are $500, $600 and $700 respectively, more than proportional increase is added to the ability of B and C to make a conspicuous display and they will secure much more than the proportional amount of social prestige.

The party who drives a four-horse carriage attracts more than double the attention that the one does who drives a two-horse carriage, and eight horses adds more than twice four, for such additional expenditure is largely display, it attracts public attention, it displays ability to expend wealth for unproductive consumption.

It has been found that a full page advertisement is worth not twice the value of a half page advertisement, but twenty-five times the value for advertising purposes; and a half page advertisement is worth fifteen times the value of a quarter page; and a ten-line agate item as compared with a quarter-page advertisement has no value at all.

The following explanation is given: "The secret seems to lie in the prestige acquired by the use of the larger space. The public is impressionable. If the common mind can be made to think in a certain way or direction it may be said to be impressed with the idea conveyed. Once so impressed, the public is likely to act in accordance with that idea. The public moves as a crowd, is swayed by what may be called the intelligence of the crowd, as distinguished from the intelligence of the inidvidual. How otherwise may we account for the phenomenon exhibited when people put themselves to actual discomfort in order to purchase where there is a great crowd, when goods of

equal quality and the same price may be had elsewhere, in places that are not crowded? A certain dealer obtains vogue and becomes the fashion; people talk of his establishment, of his goods, and of the throng of purchasers; and this prestige adds to his trade."

This is only a partial explanation. The full page catches the eye of more people, hence more people are likely to be impressed and to patronize such firms. Advertising is display, publicity, the attraction of public attention, as well as the announcement of ability to perform services. So the large display of honorific goods attracts attention and gives the impression of social superiority.

Possession not Sufficient.

The possession of wealth even in great quantity is not alone sufficient to yield social prestige, there must be quality. The stable must not only possess a large number of horses but these must be thorough-breds, horses with records, with pedigrees. Social prestige requires in addition to possession of wealth in quantity and quality, another element, namely, conspicuous display. The thoroughbred must appear in public, beautiful carriages, splendid accoutrements must add the testimony of luxury displayed to wealth possessed. Page gives an extract from a letter, which shows that, in the long ago, it was the conspicuous spending of the dollar for non-economic services that attracted attention and marked the gentleman. "For you know nothing so soon signalizes a man as a fine gentleman, as being able to say, to one servant, 'here, my boy, take this dollar for the trouble that I have given you since my arrival,' and to another, 'this half dollar,' and so on."[1]

Values.

Has wealth a standard of measure? Can it be given an exact rating? Can wealth as a social force be given a value? For the measure of extent there is the inch, the foot, the mile; for weight, the ounce, the pound, the ton; for capacity, the quart, the gallon, the barrel; for heat, the degree, for light, the candlepower. All scientific deductions are based on counting and measuring. But how can such a power as that of non-

[1]Page. Life in Colonial Virginia, 33.

economic wealth be measured. It has already been stated that wealth is a means and not an end. But it is a means of fluctuating value. Its value is determined by the effective demand, that is, by what people will give for it; by the amount of sacrifice they are willing to make to acquire the prestige which wealth secures.

Professor Ross raises the question, "Against what indeed shall wealth be measured? Where are the markets which register its fluctuations? But such markets exist, always have existed. Are there not streets where woman's virtue is sold? Are there not common-wealths where there is a ruling price for votes? Do not the comparative rewards of occupations indicate what inducements will overcome the love of independence, of safety, of good repute? We see men sacrificing health, or leisure, or family life, or offspring, or friends, or liberty, or honor, or truth, for gain. The volume of such spiritual goods Mammon can lure into the market measures the power of money. By the choices men make in such cases and by the judgment others pass upon such choices we can ascertain what is the social estimate of wealth. When gold cannot shake the nobleman's pride of caste, the statesman's patriotism, the soldier's honor, the wife's fidelity, the official's sense of duty, or the artist's devotion to his ideal, wealth is cheap. But when maidens yield themselves to senile moneybags, youths swarm about the unattractive heiress, judges take bribes, experts sell their opinions to the highest bidder, and genius champions the cause it does not believe in, wealth is rated high."[1]

Lindley M. Keasbey shows that possessions have three values: 1. Use value. 2. Exchange value. 3. Prestige value. This classification is important. He further states that value may be regarded from two general standpoints. (A) "Subjectively, value indicates the importance a person attaches to the possession of a good for any particular purpose; while, (B) objectively considered, value expresses the capacity or power the good possesses to fulfill such purpose."

Goods which give immediate satisfaction through immediate use are valued but the accumulation of property gives satisfaction because it secures the "prestige of proprietorship." For

[1]Ross. Foundations of Sociology, 171.

as Keasbey says, "Subjectively considered, prestige value indicates the importance a person attaches to the possession of a good, not primarily for immediate consumption, nor again for the purpose of exchange but simply for the sake of proprietorship * * * he hopes by the possession of the good to raise his social position, to add to his dignity, or augment in some way his prestige. For example the patriarch of old gloried in the number of his herd, the medieval proprietor prided himself upon the extent of his estate and now-a-days the millionaire derives similar satisfaction from the contents of his strong box."[1] The less useful a good may be the greater prestige value it may have. "The well-to-do farmer or the successful mechanic, sets store by his front parlor, with its lace curtains, its organ, its parlor suit, not because he uses it as he does his kitchen, not because he has any thought of disposing of its contents, but simply because such surroundings indicate a distinct standard of life and establish his prestige among his neighbors. The cowboys set store by their expensive outfits, consisting of a fine felt sombrero, high heeled boots, and ornate saddles; scholars attach importance to their various degrees; officers value their multitudinous titles and orders. * * * These goods possess value not because they can be exchanged but because their possession implies power."[1]

Proprietorship has become important on account of the increasing prestige that ownership yields. The increasing complex social organization intensifies the social power of wealth. The one man alone on an island though it be as large as Australia, secures no social ascendency no matter how large his possessions may be. He must have dependents, inferior neighbors and associates to be impressed by the value of his property. The boy with a new pair of red top boots, a jack knife and a half-dozen marbles grades much higher in the social scale than the boy without these, and the girl whose doll can open and close its eyes is considered superior to the girl whose doll can do none of these feats. Keasbey thinks that in primitive society men accumulated but that there was no motive to accumulate, for accumulation added nothing to the accumulator's prestige. It was capacity to acquire rather than the possession

[1]Keasbey. Prestige Value, The Quarterly Journal of Economics, 17; 461.

that was valued. "Wives, slaves, trophies and ornaments,"[1] constituted the principal wealth in this early stage. When men became localized and cultivated the land a marked change took place, for the cultivated field and the domesticated herd were the more productive, these in turn yielded social prestige to the owner. And again such a person utilized the labor of the non-proprietor, and this augmented his station. And now possessions were of value.

The commercial era afforded new sources of wealth. "The rising class of merchants entered commerce not so much to satisfy their immediate wants as to increase their possessions and so rival in wealth and importance the older classes of landed proprietors. Success it may be said, has everywhere attended their efforts; until in our day exchange is no longer the by-path, but the high road to social and personal and political prestige."[2]

The rise of a common medium of exchange has served a social purpose, for it has furnished a common standard of value, a measure by which the goods of one person can be compared with the goods of another. Since there is a common monetary standard, the money value of a man's possessions may be taken as the measure of his social power. For whatever amount of money value he may have, this can be used to secure whatever is most indicative of social power, whether it be a painting, an automobile, a four-horse carriage or a piano or a front parlor.

Sources of Wealth.

The rise of wealth may be considered as a mark of advancement. For it is only when a people begin to accumulate property that they are able to provide themselves with more than a mere existence. Capital has been called "stored energy." Any surplus of production indicated a surplus of energy. Whenever a people do not consume all the product of their exercised energy the excess takes the form of wealth. This accumulation expresses itself as a social force. It is at this point that progress begins. For, "the way in which people get their living is in very intimate relation with their social life."[3] Only in a system of private ownership are wealth distinctions possible. Collective ownership makes for social equality and the abolition of

[1]Keasbey. Prestige Value. The Quarterly Journal of Economics, 17; 469.
[2]Ibid, 470. [3]Ely. Evolution of Industrial Society, 25.

all relationships of private service. The varying ability to acquire wealth has been the cause of the varying power in military, political, juridical, domestic and religious spheres. Because the possession of wealth has been the means of securing power, men in all ages have sought its acquirement.

In showing the stages through which society has passed, and how each stage has furnished a source of wealth, Ely[1] will be followed. Five great stages are recognized.

1. The Hunting and Fishing Stage. This is not only the earliest but the lowest from the social point of view. The methods and habits of obtaining food differs but little from that of the animal. The people eat what can be found and most easily obtained. They travel to the places of food supply. There is no saving for the morrow. Social distinctions do not exist, at least such as may appear are unimportant. Wealth plays no part. The only forms of wealth are the simple implements of the chase, such as the spear, shield, bow, boomerrang, stone knives, etc. There is no private property, no sense of proprietorship, except of articles of personal use.[2]

2. Pastoral Stage. In this stage there is found a more settled abode. Certain animals are domesticated and these yield a source of revenue. Life is more stable and the livelihood more certain. "He learns to take more thought for the future. His herds and flocks represent a body of social capital, which must be preserved intact and of which the increase only can be used. There is a development of the institutions of private property, not as yet in land, but in movable wealth, and in consequence we are not surprised to find the contrast between rich and poor making its appearance."[3]

3. Agricultural Stage. This stage is closely allied to the preceding, often the same persons engage in the care of herds and flocks and in the tillage of the soil. Private ownership is one of the chief characteristics of this period.[4] Trade had not become much of a source of wealth. "Each group raised and made the things that it needed. The wants of the people were simple, and food, clothing and fuel could all be obtained at home."[5] The cultivation of the soil brought about a more stable and

[1]Ely. Evolution of Industrial Society, 25-99.
[2]Ibid, 36-37. [3]Ibid, 43. [4]Ibid, 48. [5]Ibid, 50.

also a more dense population, it afforded a surer source of income, and produced, "profound changes in the social structure."[1]

4. The Handicraft Stage. During this period it was common for men to combine the tillage of the soil with some form of handcraft, "every man worked for himself, with his own tools, or for other persons who were not far above him in the social scale."[2] While this furnished a new source of supply of wealth, producers and consumers were on the same social level for social inequalities did not exist.

5. Industrial Stage. With the introduction of mechanical inventions and applied power great changes took place, for "it ushered in the era of capitalism, the wage system and the extensive use of credit."[3] No stage produced such radical social changes as this one, especially in its later periods. Distinct social classes are formed, classes which have nothing of social life in common. The man who furnishes the capital stands far higher than the man who furnishes the muscle or even the brain.

A marked change takes place in the attitude toward the way in which man earns or obtains his wealth. In the earliest stages of society, women are the principal workers. Later, slaves are forced to labor for the community. Then the workers become free, but stand at the bottom of the social scale. Among the Greeks and Romans, commerce and industry were considered unworthy pursuits for a citizen. In the caste system of India the industrial class occupies only one grade higher than the servile class. Step by step the wealth-producing members of society won for themselves social recognition.[4]

A step further must be taken for equal ability does not always secure equal opportunity. "Is there a real equality of opportunity for all members of society to show what they can do? Vast differences in wealth stand in the way of such equality, for, though a rich man's son may be at a disadvantage so far as temptation to idleness is concerned, there is simply no comparison between his opportunities and those of a poor man's son. Difference in wealth is, indeed, the most potent cause in the formation of social classes, not merely because great wealth is a mark of distinction, but because of the opportunities it

[1]Ely. Evolution of Industrial Society, 47.
[2]Ibid, 57. [3]Ibid, 57. [4]Ibid, 75.

brings to developing one's powers, and because, as great wealth persists, habits of thought and life are formed which necessarily separate class from class."[1] Wealth is always monopolistic and aristocratic in its tendencies.

Wealth once acquired tends to increase by means of its own force. "Another force operating to concentrate the ownership of wealth may be called economic inertia. According to the principle of inertia, forces continue to operate until they are checked by other forces coming into contact with them. Those who have great possessions find it easy to add to them by a process of accumulation which requires a minimum of sacrifice."[2]

Chapter II.

SHIFTINGS OF ACCENT ON WEALTH.

Time Shiftings.

While the possession and expenditure of wealth has not been the same in all ages and stages of development, yet to the one who possessed the most belonged the greatest social power. Though primitive man sat under his own vine and fig tree, the larger the tree and the more fruitful the vine the more social power the owner possessed. "The conditions of human life have not only been changed, but revolutionized, within the past few hundred years. In former days there was little difference between the dwelling, dress, food, and environment of the chief and of those of his retainers"[3]—but that little difference was all important.

Class distinctions are as clearly made today as in the days of the noble, the bourgeois and the peasant. But the passage to-day is much more rapid from a lower to a higher social level on account of changed economic conditions which make the acquirement of wealth more rapid.

In early times the display of wealth was occasional, but very ostentatious and conspicuous. Wealth was expended on occa-

[1]Ely. Evolution of Industrial Society, 81-2.
[2]Ibid, 478.
[3]Carnegie. The Gospel of Wealth, 1.

sions that partook of a public or at least of a semi-public character, as weddings, carnivals, kirmesses, the coming to majority. The fondness for public display is seen in the small living room and the large banquet hall of the feudal castle.[1]

An article may be a luxury at one period and its use and possession a mark of superiority, while at a later period it has become a common necessity and of general use. In the reign of Henry IV of France sugar was sold by the ounce, by the apothecary. Tea and coffee were at first the luxury of the rich. Even so common a necessity as soap was the sole prerogative of the man of means. The use of chimneys in the time of King Alfred was considered as a mark of distinction and to use an earthen vessel instead of an wooden one was a mark of great wealth.

The development of human wants has been from the higher classes to the lower. Utility has rarely been the consideration at first. The less useful an article the sooner was it used by people of wealth, it had only to bear the mark of distinction and not of necessity. Tools were used as ornaments by the rich, animals were domesticated for pets for the well-to-do and not for use. Even ferocious animals were tamed to show prowess.

Even so common articles as butter, milk, cheese, bread and cotton cloth were once considered as luxuries and were looked upon as honorific articles of consumption. At first they were not prized for their ability to satisfy physical needs. When they became common they lost their prestige value. Cereals were used to make drinks for the well to do, their dietary value was recognized later.[2] Art, law and literature in early times were unremunerative vocations but as soon as compensation was given and a professional class arose, such activities lost their honorific quality.

In the early stage prowess wins and retains position and booty, but when the chieftainship becomes hereditary, a change takes place. In the patronymic tribe the bond of personal allegiance is strengthened while the bond of kinship is weakened. "Rank and dignity, even when conferred by the suffrages of

[1]Roscher. Principles of Political Economy, 2:227.
NOTE—B. Gurewitsch, Die entwicklung der Menschlichen Bidunfinsse und die Sociale Gliederung der Geselschaft, is very suggestive on the point.
[2]Gurewitsch, 20, 58-59.

kindred or of political equals, are almost always associated as effect or as cause with wealth."[1] To the chieftain who triumphed in battle came the larger share of the booty, with this he was able to secure the service of those who would serve his purpose.

When, however, the relationship was metronymic the wealth of the chief though large was not of very great power. When kinship, ancestor worship and wealth became combined and the chieftain's position descended to the son of a chief, such families were considered of superior blood. When property as well as offices was inherited social power increased like the proverbial snow-ball.

Giddings holds that, "probably all peoples have passed through periods when the social element of wealth was the supreme factor in securing favors and power. It is disclosed in the pages of the Odyssey as the social order of the Greeks of the Homeric period. Tacitus witnessed its beginning among the Germans, of whom he says: 'It is a custom of the states by voluntary and individual contributions to bestow on the chiefs a present of cattle or grain, which accepted as a compliment supplies their wants.' From the Germans it is learned that the Saxons, after their conquest of England, passed through the evolution of feudal agriculture. 'The ceorle who could acquire five hides of land, became a thane. The thanes were the immediate companions of the king—his commitatus, and from their first appearance in English history, they took rank above the earlier nobility of Saxon Earls, who were descended from ancient tribal chiefs'."[2]

Place Shiftings.

The city affords a more favorable place for the display of the social power of wealth than does the country. In the city there are varying grades of society and the lines of demarcation are more clearly drawn between the different social strata, also the city offers a better opportunity for the use of those goods which indicate social position, as carriages, horses, automobiles, dress, theater parties and entertainments. The location of a person's home, on a certain street or in a particular part of the city, is a determinating factor. While the location of a farm

[1]Giddings. Principles of Sociology, 293. [2]Ibid, 296.

secures its value largely from the fertility of its soil and its nearness to market.

Aristocratic and Democratic countries present interesting fields for the study of the social power of wealth. In the former, royalty, aristocracy, titled nobility, whether coupled with wealth (they invariably are) or not, enjoy all social prerogatives. While in the latter, as the United States, where there has been a WEST, a frontier, a new area, new conditions, new types or at least old ones greatly modified, birth and position exercise influence and wealth a greater power. The institutions, ideas and ideals of the older civilizntion have never gained a firm foothold here. The crust of custom has never been very thick.

American society has passed through progressive birth throes. Social equality and individualism have possessed great vitality. A change, however, is taking place. There is no more new west, no frontier. The reaction has set in, the rebound is taking place. The wave of free movement is breaking back on itself. Henceforth the social power of wealth will increase rapidly. Though no blood and titled aristocracy has arisen, a plutocracy, a monied aristocracy is arising and is promising to be as arrogant, haughty and aloof, as dominant and dominating as any old world aristocracy. It will prove itself more powerful than the old aristocracy, for title, name, blood, family, were passports to the earlier society, but money is able to ignore all these and secure to its possessor a passport to all social distinctions and recognitions both at home and abroad. Wealth discounts inherited station, laughs at blue blood, scoffs at titles, disdains first families.

Although this country has been distinguished by the absence of a blood and titled aristocracy; yet Toryism and aristocratic life existed in the south, large grants of land made this possible, the industrial system with its plantation and slave labor was a prominent factor. In the north conditions were quite the opposite, allotments of land were small, culture and learning were sources of social power. The ranch, the range, the prairie, the forest and the mine have produced their respective types of social leaders.

In a country where there is royalty and an established aristocracy as in England, vastly more attention is given to birth and rank. The social level of every person is determined by

his birth mark. A social caste system is strenuously maintained. The English scion not only inherits his father's name but much of feudalistic conventions and customs. The English navy and army reserves its offices for the sons of gentry and the son of the common man is barred. The church and the bar are considered as preferred professions, close corporations, reserves for the high born. Universities like Oxford and Cambridge are schools for gentlemen's sons. The low born do not even aspire to the professions. But even in England wealth is rapidly breaking down these inherited social barriers.

No country has ever offered such social opportunities as America, unhampered by the handicap of blood and title and favored by unlimited opportunities for the acquirement of wealth. The clod of yesterday becomes the social lion of today. Wealth produces the Metamorphosis. Like a tidal wave it sweeps all other social bars aside.

Chapter III.

DESIRE AND IMITATION.

Desire a Social Force.

The mainspring of all human activity is desire. "It is actual desire that controls the behavior of people."[1] "Every act proceeds from motive, and that motive can be none other than the satisfaction of some want. The capacity to want is planted in the organic structures. It is the necessary concomitant of the capacity to feel, * * * desire, taken in its widest sense, both positive, and negative, is the real force in the sentient world. It is the dynamic agent in the animal world including the human sphere and therefore constitutes the social force."[2] Giddings, true to his Pole Star, says: "The desire for wealth originates in physical needs, but it is powerfully reinforced by the consciousness of kind in the form of a mastering wish to emulate, to impress or to command one's fellow-beings."[3]

The desire for wealth if not one of the original social forces

[1]Ross. Foundations of Sociology, 153. [2]Ward. Outlines of Sociology, 144.
[3]Giddings. Principles of Sociology, 22·

must be given a very early place in the development of these forces. It may be derivative as Ross suggests. It is egotic. How this desire is satisfied is well and compactly put by Ross. "There are certain huge complexes of goods which serve a means to the satisfaction of a variety of wants. They are Wealth, Government, Religion, and Knowledge. In respect to these the various elemtntary social forces therefore give off impulses which run together and form the economic, political, religious, and intellectual interests, which constitute in effect the chief history-making forces.

The economic interest finds its tap-root in the pangs of hunger and cold. These, being a direct demand for material goods, prompt men to wealth-getting activities. There is, however, in the end no class of cravings which may not lay claim to goods, and thus whet greed to a keener edge. When personal emulation takes the form of 'conspicuous waste,' the egotic desires prompt to acquisition. When gold gilds the straitened forehead of the fool, it is prized as the means of winning the coveted mate. When entertainment is expensive, money is sought to oil the wheels of social intercourse. When the gods respect persons, men will seek the wherewithal for costly sacrifices and sanctuaries. When wealth gives lordship, the ambitious will rowel hard in the pursuit of fortune. When the artist works for the highest bidder, the beauty-lover will set himself to money-making. Whenever Dives enjoys greater social consideration, stands higher with the Unseen, is a more formidable suitor, finds bigger meshes in the law, and counts as a worthier person than the better man with the lighter purse, all the streams of desire pour into one channel, and avarice swells to monstrous proportions. In general, the itch for wealth varies directly with its capacity to promote the satisfaction of the various desires."[1]

It must be remembered that desire is a function and not a feeling and the desire for the social power which wealth gives is strong and universal. Ward classifies the social forces into two general classes: 1. Essential Forces. 2. Non-essential.[2] The desire for the social power of wealth, while it falls under the second class forms no small part of all human striving.

[1]Ross. Foundations of Sociology, 170-1.
[2]Ward. Dynamic Sociology.

Imitation a Social Force.

The desire for the possession of the social power of wealth derives new and added impulse from the imitative faculty. The desire to imitate those of a higher social plane is especially strong. "The desire to enjoy what others enjoy and the imitative tendency to act as others act, are strong enough in the social individual to impel him to pursue his material interests as diligently as most other individuals pursue their interests. This combination of desire and diligence is the basis of what economists call a standard of living. It is the foundation of wealth and of all individual advancement."[1]

Nitti believes that the law of imitation has been an important factor. "It has been abundantly proved that one of the most imperious laws of society, the law which has been the chief cause of progress, but which very often is one of the chief causes of decadence is the law of imitation."[2] This author believes the giving of the upper classes to luxury compells the lower classes to follow them. That the lower classes do imitate the upper classes is undoubtedly true, but, that they must do so, are "compelled to," is not true, except that they feel drawn to do so by the force which underlies the law of imitation.

Though imitation may lead to shams, to the unreal, to the lack of comfort, yet the love of conspicuous display is so strong that it often leads to the sacrifice of convenience, comfort and ease and even the opportunity for advancement. A good illustration of this fact is found among the middle class of England. The fact that a family belongs to the middle class rather than to the class below, throws a glamour over its entire existence. Even their homes are built primarily to fulfill the rigid traditional requirements. A "dining" room and a "drawing" room are inevitable but a bath room not at all necessary. Very few books, some paper or magazine of the upper classes is omnipresent. A servant being another necessity, the wife is "ladylike." The children must avoid the elementary school and attend "one of these wretched dens of disorderly imposture, a middle class school, where an absolute failure to train or educate is seasoned with religious cant, lessons in piano playing, lessons in French 'made in England,' mortar board caps for the

[1]Giddings. Principles of Sociology, 123.
[2]Nitti. Population and the Social System, 103.

boys," and a high social tone. Perhaps the point which most emphasises the social position of this "bookless, bathless family" is the fact that it TIPS.[1] Gurewitsch relates that "Emigres" of the higher classes of the time of the French Revolution would go hungry rather than give up giving tips, "mancher thaler ist schon fur trink geld verwandt worden, den der Besitzer im stillen gern fur eine gute Mahlzeit ausgeben hatte."[2]

All this is imitation of the rich. In a town of a middle west state which has a population of some 6,000, there are owned fifty automobiles representing an expenditure of $60,000, or nearly $10 for every man, woman and child. More than one of the owners of these machines placed a mortgage on his home to be able to make the purchase. The machine is seen, the mortgage is not.

So strong and general has become the disposition to imitate those of a higher social class level that commercialism has made great use of the same. Goods are made and sold for 29c on the bargain counter that look exactly like goods sold on another counter for $2.00. The common people buy the 29c in order that they may appear like those that wear the $2.00 goods. Plated ware is substituted for the solid metal, plaster of Paris for solid marble, cotton velvet for silk velvet, colored prints and cheap lithographs for masterpieces, shoddy for wool, veneer for solid oak. After 1760 in France paper hangings were substituted for costly "gobelins, tapestry and leather hangings."

Not to imitate, too often means social ostracism. "Now the desire to do as others do affects even the inner life; one must play the same game and must read the same novel, not because one thinks it is better, but because others do it, and because one feels in inner accord with the social community only by loving and hating the same things as it. Those who do not like what others like, find themseles extremists at once; they are instinctively held off by society as bizarre or over intense, and relegated to the social periphery."[3]

[1]Wells. Mankind in the Making, 158-159.
[2]Gurewitsch. Die Entwicklung der Menschlichen, etc.
[3]Munsterberg. The Americans, 554.

Chapter IV.

SOURCES OF ARISTOCRACY.

Direct Sources.

The Standard Dictionary defines aristocracy as, "A hereditary nobility, a class or order possessed of prescriptive rights and rank," also "a class of persons pre-eminent by reason of birth, wealth, or culture."[1]

While aristocracy originates from birth, yet if it were not recruited from other sources it would soon die out. Aristocracy is not prolific in off-spring, it tends toward sterility. Of the prominent families in the reign of Queen Elizabeth of England, all have become extinct within 300 years.

The sources of aristocracy may be divided into two general classes. 1. Direct. 2. Indirect. Under the first comes *birth*, this is the most direct and certain for it at once and absolutely fixes a person's social position. Closely allied with birth is the second direct source, *marriage*. In case of the woman she takes rank with her husband, and in case of the man special provision for his rank is usually made and the social status of the offspring is fixed. The law of Hammurabi presents an interesting feature in this respect. "If either the slave of the palace or the slave of the poor man has taken to wife the daughter of a gentleman, and she has borne sons, the owner of the slave shall have no claim on the sons of the daughter of a gentleman for servitude."[2]

Indirect Sources.

Among the indirect sources *culture* has been a fecund source. Men of learning have always secured social recognition. Learning has proved an unfailing passport to the ranks and privileges of nobility. Among the Romans of the third century, "high intellectual culture was * * * the indispensible mark of a well-born man; it was the best ground for public office and advancemtnt. An advocate of the fisc, a secretary of the chancery or a pretorian prefect had to be, first of all, a man of letters."[3]

The University teachers of this time were men of means,

[1]The Standard Dictionary. [2]Code of Hammurabi, 175, law 36.
[3]Munro and Sillery. Medieval Civilization, 6.

some inherited their wealth and others acquired it from their profession. These men were exempt from taxes. "As members of the curia, decurions and magistrates they were in the first rank of the local aristocracy. Some * * * attracted the attention of the emperor, became provincial governors and pretorian prefects and even attained the lofty though barren honor of the consulship."[1]

The same was true in early English law, (7) "and if there a scholar were who through learning thrived so that he had holy orders, and served Christ; then was he henceforth of rank and power so much worthy."[2]

The intellectual interest, though single in its early stages, becomes complex and passes through a period of evolution. "This intellectual interest is likewise a blend of desires. Had it been restricted to its primitive components, its rôlè would have been significant. But these cravings have been reinforced from several quarters. In the first place, intellectual subtlety, always a coveted form of prowess, gratifies the egotic desires. Even in the early stages of culture a reputation for extraordinary wisdom gives the sage fame, power, and wealth. Later, learning confers distinction and is not without efficacy in bread-winning and mate winning. At every social level, moreover, there is a standard of intelligence to be lived up to as well as a standard of decent consumption. As for real knowledge, it has always been a means as well as an end. The sciences were first cultivated as badges of the leisure-class superiority. Later they were fostered because they allayed the dread of disease, banished fear of the supernatural, assuaged pain, prolonged life, brought victory, and vastly expanded the production of wealth. They were cultivated in short, because knowledge is power. Knowledge and money, in other words, Science and Wealth, seem likely to become the heirs of the dying powers of the past."[3] One has but to call to mind the intellectual giants of the past and note the conspicuous place that they have held in the esteem of men, in order to comprehend the power of culture and also that it has been the fertile soil out of which men have sprung who later were enrolled among the aristocracy.

[1]Munro and Sillery, Medieval Civilization, 14.
[2]Sterns. Germs and Development of the Laws of England, 11.
[3]Ross. Foundations of Sociology, 178-9.

Closely allied with culture, in fact a part of it, is refinement of manners, gentility of conduct, grace of movement and charm of personality. These characteristics are a source of recognition. Taine relates how, "the Marchale de Luxembourg, so high spirited, always selects La Harpe as her cavalier, because he offers his arm so well."[1] When ability and refinement are having prestige, nobility will receive and entertain such, though not of blood and purse. Voltaire son of a notary, Diderot son of a culter, Rousseau son of a watch maker and d' Albembert a foundling of a glazier were entertained by nobility and enjoyed the social favors which birth could have given.[2] This source of social recognition is a precarious one for as Taine says, "the more polished an aristocracy becomes, the weaker it becomes, and when no longer possessing the power to please it no longer possesses power to struggle."[3]

Personal Favor and Service.

The personal favor of a prince, potentate, or a social leader may elevate the most humble person to the loftiest plane of aristocracy. The aristocracy of VII Century was composed of those who performed public functions. The "Chroniques" and "Vies de Saints" speak often of the, "optimates" and "proceres", also, Or ces terms sont ceux qui depuis l'Empire roman designaient ceux qui étaient grands par la faveur du prince ou par les fonctions qu'ils remplissaient auprès de lui."[4] This same class of writers frequently employ the term "nobilis" as if it represented a person of high birth, but such did not seem to be the case. La classe des optimates ou des grands n'existe que dans le Palais.[5] The term "nobilis" was not found in the official acts. Dans aucun de ces nombreux documents on ne trouve le moindre indice d'une vieille noblesse de naissance."[6]

The chroniclers of the time speak of many noble who served the king. Of these Fustel de Coulanges remarks: En regard de ces examples et de beaucoup d'autres semblable, nous n' apercevons pas une seule fois un homme dont il soit dit qu'il est noble et qu'il vit en dehors des fonctions publiques. Les "nobles" du VII siecle ne sont donc pas autres que les grands

[1]Taine. Ancient Regime, 213. [2]Ibid (first page). [3]Ibid, 165.
[4]Fustel de Coulanges, Les Transformations de la Royaute, chap. 6, 61.
[5]Ibid, 61. [6]Ibid, 62.

du Palais et les hauts fonctionnaires de roi. Il existe une noblesse palatine; on ne voit pas d'autre noblesse. Un hagiographe nous dit expressément que la noblesse est la parenté avec les grands de la cour.[1]

This same writer cites a long list of families all of whom enjoyed the favor of the king. And it was not long before this favor became a family prerogative and assumed an hereditary character, for at the death of the "pere" the "fils" succeeded to the place and honor and emoluments which the father had held. Nons ne voyons pas, au VII siècle, l'hérédité des fonctions qui s' s'établira deux siècles plus tard; mais nons voyons des familles qui de père en fils se perpètuent dans le Palais et s'en partagent les fonctions et les profits. Telle etait l'aristocratie du VII siécle, elle n' était autre que la hiérarchie des fonctionnaires jointe á' l' épiscopat. Elle était le Palais, individuellement, chaque membre était riche en terre, élevé on dignite, puissant par sa fonction chef absolu d' un territoire et d'um part de peuple. Tous ensemble, ils fro maient un corps tres fortement constitué autour de la royauté, mais plus fort qu'elle.[2]

In explaining the theory of government, Murdock[3] shows how in an early stage of civilization, a ruler or governor is needed. That a man of leadership, ability or of prowess is selected. That such a ruler is despotic and in the absence of a written constitution, the rule of the monarch is arbitrary. That this ruler necessarily needs helpers and he associates with him the noble and from these there arises an aristocracy.

In an earlier time to which Murdock refers, men of fighting strength and warlike disposition are selected.. Occasions for leaders become so frequent as to be constant and the leader who is retained, tends to become hereditary, "as in the case of the house of David, simply because the king's house naturally becomes greater and richer than other houses and so better able to sustain the burden of power."[4]

Emerton[5] holds that "nobility consisted primarily of two distinct qualities; first, the hereditary possession of a higher estate, which carried with it the obligation to the higher forms

[1]Fustel de Coulanges. Les Transformations de la Royaute, chap. 6, 63.
[2]Ibid, 76-78.
[3]Murdock. A History of Constitutional Reform, 9.
[4]Smith. Religion of the Semites, 34. [5]Emerton. Medieval Europe, 486-7.

of service, and second, the fitness for military service, the chevalerie. * * * For in case a person desired to enter such a service, he must possess wealth sufficient to furnish the very expensive equipment necessary to the duty of the cavilier." Thus was secured to the lord an , "elite corps of fighting men, and naturally in semi-barbaric society, this select group and their families formed the highest aristocracy and the dominant force in society."[2] The chevalerie mounted on a steed, like himself protected by armour was superior to many times his number of unmounted and unarmoured men and all this added to the strength and prestige of the chevalerie and his lord.

Religion.[1]

No other source has produced a class which enjoys such privilege and immunity as religion. This is especially true of the religions of India, where passage from one class to another is almost impossible. In the code of Manu this is well illustrated for the person twice born (religiously) became superior and enjoyed opportunities and favors not possible to one not so promoted.

In France the bishop and high church officials were in the royal tribunal and were not chosen from rank of the clergy by voie d'election cononique. They often belonged to the Palais and received their office from the king. Le Palais faisait les éveques, et les éveques continuaient a former une pairtie du Palais.[2]

Wealth as a Source.

Birth is a sure and safe passport to the ranks of aristocracy. Culture, refinement, learning, personal favor, military achievement, each or all may bear its owner safely across the social gulf, but many times there is ship-wreck in the passage. Next to birth itself, stands WEALTH as the safest, surest and swiftest bark to the haven of social prestige. "The heroes of the Homeric poems are not only valiant but wealthy. The warriors of the Nibelungen-Lied are not only noble but rich. In the later Greek literature we find pride of birth identified with pride in seven wealthy ancestors in succession."[3] "The advantage se-

[1]This subject is treated more fully in Part II.
[2]Fustel de Coulanges. Transformations, etc., 67.
[3]Maine. Early Institutions, 134.

cured by blood does not, you see, exclude respect for wealth but works for it. 'He is an inferior chief,' says the 'Senchus Mor,' whose father was not a chief. The primary view of the chieftainship is evidently that it springs from purity or dignity of blood, but noble birth is regarded as naturally associated with wealth, and he who becomes rich gradually climbs to position indistinguishable from that which he would have occupied if he had been nobly born."[1]

The possession of wealth greatly enhanced the Roman and paved his way to the aristocratic class. Wealth enabled him to secure a house of large proportions, to furnish it luxuriously, decorate its walls and halls with costly works of art; to surround his house with spacious and well kept grounds. He had time for leisure and for hunting. His house became a castle and the castle a fortress—the only secure place. In the fourth century the nobility possessed much of Roman land, the higher nobility holding the most. Landed property became the source of wealth and power and the most honorable of riches.[2] "The senatorial aristocracy was powerful through its riches, its local attachments and its independence.[3] From this class arose an aristocracy nearly independent of the emperor." In the Republic rank was determined by wealth. One line of demarkation lay between those who owned land and those who did not. The former were assedui, house holders, rooted in the soil. The latter were proletarians. The proletarians were unequal in their wealth and were consequently divided into five classes. Among these catagories all were unequal, in taxes, military service, and political rights.

Early English law favored wealth.

(1) It was whilom, in the laws of the English that people and law went by ranks, and then were the counselors of the nation of worship, each according to his condition, "eorl" and "ceorl," "thegen" and "theoden."

(2) And if an "ceorl" thrived, so that he had fully five hides of his own land, church and kitchen, bell-house and "birh," gate-seat, and special duty in the king's hall, then was he thenceforth of the thane-right worthy.

(3) And if a thane thrive, so that he serve the king and on

[1]Maine, Early Institutions, 136.
[1]Munro and Sellery. Medieval Civilization, 18. [3]Ibid, 21.

his summon, ride among his household; if he then had a thane who him followed, who to the king's "ut-ware," five hides had, and in the king's hall served his lord, and thrice with his errand went to the king, he might thenceforth, with his "fore oath," his lord represent, at various needs, and his plaint lawfully conduct, wheresoever he ought.[1]

No change took place at a later date for wealth gave to the son of a London apothecary the title of Northumberland; to the son of a woolstapler, earl of Warwick. The earldom of Essex was founded by a draper and that of Craven by a merchant tailor.[2]

Taine found in France, in 1789, three classes of persons, the clergy, the nobles and the king, occupying the most prominent position in the state, with all the advantages which it comports; namely, authority, privileges, immunities, favors, pensions, preferences and the like. This author gives this classification of the population. Of the 26,000,000, the above named classes numbered 270,000, 25,000 to 30,000 noble families, 23,000 Monks in 2,500 monasteries, 37,000 nuns in 1,500 convents, 60,000 curates and vicars in as many churches and chapels. There was one noble family to 1,000 population. One-fifth of the property (land) belonged to the crown and the communes, one-fifth to the third estate, one-fifth to the rural population, one-fifth to the nobles, and one-fifth to the clergy. Through wealth successful men as magistrates and financiers, acquired or purchased nobility.[3]

Higginson shows the loss of prestige to birth, "blood, pride of race, what are these? Where are they nowadays? Money, above all the willingness to entertain, these are the pass-keys, to what was once a fortress to be entered by birth and by birth alone."[4] So strong has become the rule of wealth that Bodley says, "the rule of wealth is upsetting most of the theories of political philosophers and becoming so omnipotent that the social composition of the communities under its sway is more affected by it than by the regime of the state, republican, or monarchial, constitutional or arbitrary."[5]

[1]Sterns. Germs and Development, 116-117.
[2]Champlain. The Manufacture of Ancestors. Forum, 10:568.
[3]Taine. Ancient Regime, 13.
[4]Higginson. The Aristocracy of the Dollar. Atlantic Monthly, 93:507.
[5]Bodley. France, 1:200.

It should also be noted that the source from which wealth is secured makes much difference in the amount and kind of social prestige that it yields. In some countries inherited wealth secures more social favors than the same amount of wealth earned. "Travelers tell us of an instance in Scotland where, at a dinner party, an upper servant was sent round before hand to inquire how many acres of land each guest had INHERITED, so that they might be arranged at the table in their proper order."[1]

"In Germany or France, the man looks on a wealthy marriage as one of the most reliable means of getting an income; there are whole professions which depend on a man's eking out his entirely inadequate salary from property which he inherits or gets by marriage."[2] This author thinks that Americans despise this kind of money-getting as they do money obtained from a lottery. "The Frenchman prizes money as such; if he can get it without labor, by inheritance or dowry, or by gambling, so much the better."[3]

While Americans are not so particular as to the source of one's fortune yet they do give to wealth that has age more dignity. When Theodore Parker visited Cincinnati, at that time, the recognized leader among western cities, he said that he had made a great discovery, namely, that while the aristocracy of Cincinnati was unquestionably founded on pork, it made a great difference, whether a man killed pigs for himself or whether his father had killed them. The one was held plebian, the other patrician. It was the difference, Parker said, between 'the stick 'ems and the stuck 'ems.'[4]

Guyau gives to wealth a greater power than many at least to-day are willing to grant it. Discussing the mixture of races he quotes M. Renan, who believes that the Chinese will become the future slave of the European. Guyau points out that "the gentle, docile Chinese slaves are also excellent instruments of war," and then adds, "in the industrial society in which we live money constitutes in the long run, the basis of aristocracy. To-day money is the true force and title of nobility. To lay up treasures demands a very average intelligence of which a great

[1]Higginson. The Aristocracy of the Dollar. Atlantic Monthly, 93, 51.
[2]Munsterberg. The Americans, 231. [3]Ibid, 234.
[4]Higginson. The Aristocracy of the Dollar. Atlantic Monthly, 93, 510.

number of inferior people are no doubt capable. Once rich and they will be our equals; richer they will be our superiors and our masters. If they can have money enough they can purchase every privilege, even that of mixing their blood with ours, even the marrying of our daughters and of confounding our race and theirs."[1]

[1]Guyau. The Non-Religions of the Future, 321.

PART II.

WEALTH AND RELIGION.

Chapter I.

Do ut Des, Facio ut Facias.

THE SIGNIFICANCE OF RITES.

Non-economic wealth has ever been an important factor in the realm of religion—both pagan and christian. Much has been written about man's religious nature, his methods of worship, but not so much attention has been given to the meaning of certain institutions and practices and the part that non-economic wealth has played in the religious life and practice of man. "In connection with every religion, whether ancient or modern, we find on the one hand certain beliefs, and on the other certain institutions, ritual practices and rules of conduct. Our modern habit is to look at religion from the side of belief rather than of practice."[1] In consequence of this, the rise and significance of certain forms of ritualistic service and places of worship and their adornment have been ignored.

In discussing the place of mythology in ancient religion, Smith finds that it was the exact performance of sacred rites, regularly and accurately which was obligatory and meritorious, no matter what the worshipper believed or practiced.[2] Müller holds that religion is as old as the world, and that earliest man was possessed by religious ideas and that he early developed religious forms.[3]

Custom, form and precedent have always been held sacred and closely followed by primitive people. "The rules of society were based on precedent, and the continued existence of the society was sufficient reason why a precedent once set should continue to be followed."[4] Samuel Ives Curtiss, who has made a careful and personal investigation of the religion of the Semites

[1]Smith. Religion of the Semites, 17.
[2]Ibid, 19.
[3]Muller. Origin of Religions, 15.
[4]Smith, Religion of the Semites, 22.

of to-day, says the Semites have suffered but little if any change by Judaism, Christianity or Islam. "The tenacity with which the Oriental mind if left to itself, holds that which has always been, and turns to it as unerringly as the needle to the pole, has been often observed, and is our guaranty that we may find primitive religious conditions among people with whom, if we approach them in the right way, we may hold intercourse to-day." "To the Arab or Syrian, custom, is mightier than right; indeed custom is the only right he knows. Both morality and religion depend upon it. The heavens might sooner fall than custom be set aside. If we can get at the usage of the Semites we shall know what his religion is."[1]

Religion in these early times was largely a matter of birth and one unconsciously followed through life the habits and practices of the religion into which he was born just as he fell into the ways of the social and political life about him. "Religion did not exist for the saving of souls but for the preservation and welfare of society." Hence, every man was expected to conform to the general practice of his fellowmen. "Every social act had reference to the gods as well as to men, for the social body was not made up of men only, but of gods and men."[2] Only those of the same kin could worship together for such were supposed to be of the same blood. It was held that in some way the god was related to the kin by a blood-bond.

At first the individual was of little importance for " in antiquity all religion was the affair of the community rather than of the individual. A sacrifice was a public ceremony of a township or of a clan."[3] "The benefits which were expected from the gods were of a public character affecting the whole community, especially fruitful seasons, increase of flocks and herds, and success in war."[4] And it was a national, not a personal providence that was taught by ancient religion.[5]

[1]Curtiss. Primitive Semitic Religions To-Day, 65.
[2]See Smith. Religion of the Semites, 23, 30, 31.
[3]Ibid, 236. [4]Ibid, 24. [5]Ibid, 246.

Chapter II.

PRIMITIVE CONCEPTION OF NATURE AND ITS RELATION TO SACRIFICE.

Origin of Sacrifice.

Primitive man believes that all things possess life. To him whatever moves has life, as trees, plants, streams of water and flames of fire. It is his creed that over these there is a supernatural force with which it is an advantage for man to sustain friendly relations.[1] Pliney taught that trees had souls, that they were the temples of the spirits. The oak was specially protected by Jupiter, the laurel by Apollo, the olive by Minerva, the myrtle by Venus and the poplar by Hercules. This belief led to the placing of sacrifices in the trees for the spirits. "To fell a tree of the forest was regarded as an 'offense against the sanctity' of the forest. The Roman farmer would sacrifice a pig to the spirit of the woods—be it god or goddess—before he began to thin it."[2]

Primitive man also believes that to break the sod, reclaim waste land or in any way disturb these spirit owners or to trespass upon their domains makes necessary a solemn sacrifice. The legend of the death of Remus is a case in point.[3]

The Ancient Persians, Hindoos and Early people of Mexico, attributed the diminishing fertility of the soil to the displeasure of the spirits and so offered large sacrifices to appease them and win their favor.[4]

Whenever an event was difficult to explain or had a mysterious air it was attributed to the action of some particular spirit. From this conception arose many rites and feasts.

The helplessness and ignorance of primitive man made him both superstitious and religious. This accounts for the universal practice of sacrifice. He possessed but little, he knew nothing of the future, his fortune was most fickle yet he acted much

[1]Jevons. An Introduction to the Study of Religion, 21.
[2]Granger. The Worship of the Romans, 95-96.
[3]Rouse. Greek Votive Offering, 39 ff.
[4]Payne. History of the New World, Called America, 474.

the same as if he had a larger knowledge and fortune was always kind to him. Jevons gives this explanation. "It is a fact of psychology that the native tendency of the human mind to believe that what has once happened will happen again is so strong that, until experience has corrected it, a single occurrence is sufficient to create an expectation of re-occurrence; the child to whom you have given sweet meats once fully expects sweet meats from you again at the next meeting."[1] If offering was made and good fortune followed once—why not again?

Loria states that moral force is essentially psychic in character. The psychological influences surrounding isolated and coactively associated labor may be reduced to the following: *a.* Labor whose productivity either on account of lack of association, or of inability to dominate matter completely, finds itself accordingly unable to effectually control the forces of nature. *b.* This with the unconscious character of the social relation surrounding the individual, determines a sort of obsession of the mental faculties and engenders a feeling of degradation and impotence, because he, as an individual feels himself the victim of social forces of whose ulterior tendencies he is ignorant and whose process he is unable to control.

From these considerations there arises the conception of the supernatural. Man feels that over and above him is a force hostile to him. Also that this force emanates from a will stronger than his own. To overcome this hostile force and make nature yield abundantly man must offer prayers and offerings.[2]

Since success depended upon the favor of the gods and misfortune was due to the god's displeasure, it behooved man to maintain a good standing with them. This was done in two ways. 1. By banishing or compelling. 2. By propitiative acts. The first was accomplished by some simple means as the use of fire or water. It was believed that streams of water and fire were impassable barriers. The making of loud noises was also considered helpful to drive the evil spirits away. It was considered fatal to fight with the gods. "Short lived are those who fight with gods."[3] Yet others made efforts to drive away evil spirits by the use of physical force. The Guaycurus of

[1]Jevons. An Introduction to the Study of Religion.
[2]Loria. The Economic Foundations of Society, 22.
[3]Keller. Homeric Society, 115.

Paraguay rush with shouts and brandishing clubs to meet the oncoming storm. The Mayas of Yucatan perform similar acts.[1]

While during the earlier stage the existence and assistance of the spirits are recognized and without favor and aid of these spirits success is not possible, in the latter stage, the gods are made the principal personages of the community. "They are in it and of it; they are its most important members. They are bound to their human neighbors by mutual obligations." With these gods a covenant is made. This covenant founded upon religion becomes the foundation of civilization. This covenant included "Mutual services: Do ut Des, Facio ut Facias."[2] Sacrifice was the summum bonum of this relationship. If much is desired much must be given. Hence he who possessed most —and gave—had the advantage. The good spirits are prized and their wants are supplied, food and drink are furnished them.[3] "The Veddah of Ceylon who have no gods, occasionally sacrifice food to the spirits,"[4] promising if success is granted additional offerings will be made. The sacrifice was a social meal, often so elaborate that it partook of the dignity of a banquet. It was not an occasion merely for the meeting and feasting of friends, members of a class, but it was an occasion when the deity met and ate and drank with his worshippers.

Food so essential to man was likewise so considered for gods. "The ultimate element of all wealth is food. The wealth produced by the common enterprise must be fairly divided."[5] Payne holds that this covenant of the gods gave to human society coherence and stability. These spirits or forces co-operating with man increased the energy of man and made his industry productive.[6] The best of flocks, herds, field and of industry was given to the gods. These offerings were often a heavy drain, "upon the greatest bank of civilization, the labour of man."[7] Not to offer the sacrifice was to violate the covenant and thus to secure the displeasure of the god. It was only by liberal sacrifices that the divine favor could be again secured when once lost.

Agriculture and religious ceremonies develop together. For as settled man comes to depend more and more on the produce of the soil for his subsistence and believing as he does that

[1]Payne. History of the New World, Called America, 434. [2]Ibid, 481-482. [3]Ibid, 435. [4]Ibid, 600-601. [5]Ibid, 484. [6]Ibid, 485. [7]Ibid, 485.

spirits and gods control nature, he gives much attention to the gods. In a later stage the disposition is to ignore the inferior deities and to worship and offer sacrifices only to the Creator, Sun, Thunder, Earth and Moon.[1]

The Commercial Use of Sacrifice.

The larger number of sacrifices were offered to atone for some, "breach of rule or of duty." In Homeric days "Artemis must be appeased by Iphigeria and the sacrifice has to be rendered for the violation of the priest. Aegisthus propitiates Heaven with gifts of garments and gold, and it is likely that sacrifice was often done on similar occasions. The crew of Odysseus, about to steal the oxen of the Sun, vow to build a temple to the Sun and fill it with fine offerings. So Croesus, who had offended the oracles of Greece by doubting their power which he put to the test by asking them a ridiculous riddle, tried to appease the two which were found true, by offering magnificent gifts. Xersex too after flogging the Hellespont, propitiated the powers of the sea by sacrifices done on the bridge and by casting into the waters the golden bowl which he had used in Libation, with a golden crater, and a Persian sword. When the Lacedaemonians had so treacherously murdered the Plataean prisoners, and razed their City to the ground, they built a new temple for Hera and used the bronze and iron they found within the place to make fittings for it."[2]

Ethical principles did not enter into the transaction nor the principles of justice, "men's affairs were decided not according to any idea of abstract justice, but by a balance of power among the gods. To render the struggle for existence less hard, all men had need of the gods."[3] Whatever may have been the character and object of the vows, "it is clear that they are destined to dispose the saint favorably to the suppliant, so that he may receive the protection that he desires."[4]

The sacrifice served as a retaining fee, gifts were offered in advance of any special request so that whenever a need on the part of man arose the god would be on his side. Sometimes the

[1]Payne. History of the New World Called America, 601.
[2]Rouse. Greek Votive Offering, 310.
[3]Keller. Homeric Society, 124.
[4]Curtiss. Primitive Semitic Religion To-Day, 169.

sacrifice partook of the nature of a bribe. Wealth served as an introducer to the select circle, the procurer of divine favors. No matter what the man's past had been, no matter if he felt no sorrow for his sins, if he only made an acceptable offering he secured his request.

If a law is violated, punishment will follow, if a violator escape present punishment, he will suffer hereafter. "You are to punish yourself here, lest a worse thing happen to you elsewhere."[1]

But to secure a favorable consideration there is always required a sacrifice of value. "A man is justified according to the amount of his contribution to the gods."[2] A hecatomb of a hundred bulls was the kind of sacrifice that pleased the deity.

Among some primitive peoples it was the custom to offer one's own blood to the gods as a means of commending himself to his deity. In ancient India human sacrifice was not only practiced but commended to those who would be heroes.

In later development a change took place and substitution was made. Emancipation in many of the Greek states was a civil act, but in some it took the form of dedication of the slave to the patrons deity of the city, by which act he was made free of human control. Money payments were substituted and this gave advantage to the possessor of wealth.[3]

By the use of wealth it was possible for an individual to arrange for an another to attend to his religious duties not only for the present but for the future. Money gifts or legacies were given to a shrine to pay the cost of sacrifices. "King Attalus sent money to Delphi, for education and the keeping up of sacrifices, and this was sanctified to the god that the gift might be in force for ever. Diomedon of Cos left property by will for founding a shrine, as Epicteta did in Thera, and the same thing is known in North Greece."[4]

Among the early Egyptains religious leaders placed such emphasis upon the saving power of wealth that "there was no Egyptain who did not cherish the ambition of leaving some such legacy to the patron god of his city, for a monument to

[1]Jevons. An Introduction to the Study of Religion, 161.
[2]Keller. Homeric Society, 138.
[3]Rouse. Greek Votive Offering, 335.
[4]Ibid, 340.

himself, and as an endowment for the priest to institute prayers and perpetual sacrifice on his behalf."[1]

Only gods who did something for men survived and were cherished and worshipped by men. "These are the t'raphim of the Hebrews, the penates of the Latins, the Conopa of the Peruvians; words in each case meaning precisely the 'nourishers' or 'food-givers' of the household."[2]

Curtiss holds that, "the original idea of sacrifice seems to be one derived from experience in the East, if not in the West that, 'every man has his price.' Hence the gods have their price. If a god has brought misfortune upon man, he can be bought off."[3] God makes right by edict, god can be bought—that is, he is bribable."[4]

The code of Manu taught that not to offer sacrifices was to be in the possession of demons. "If those who are accustomed to perform sacrifices possess any property, the wise regard it as the possession of the gods; but if those who do not offer sacrifice possess any wealth, it is said to be the possession of demons."[5] "Regularly, then penance should be practiced for purification, since those whose sins have not (thus) been done away with are born with (these) disgraceful marks attached."[6]

Maspero in his study of the Egyptians finds that Egypt was full of religions, that the gods were numerous, that every period of a person's life was attended by some god. "The prince was the great high-priest. The whole religion of the nome rested upon him, and originally he himself performed its ceremonies. Of these the chief was sacrifice—that is to say, a banquet which it was his duty to prepare and lay before the god with his own hands."[7]

A sacrifice involved a feast and a feast could not be provided without a sacrifice. Though it was not possible to hold the banquet with the god directly because he was far away yet it might be held with his saints who were always near. When men eat with men or men eat with the gods it signifies that they are on friendly terms. Eating and drinking together was a sign of

[1]Maspero, Dawn of Civilization, 126.
[2]Payne. History of the New World, 440.
[3]Curtiss. Primitive Semitic Religions To-Day, 115.
[4]Ibid, 66.
[5]Burnell and Hopkins. The Ordinances of Manu, 327, Article 20.
[6]Manu, 331, Article 54.
[7]Maspero. The Dawn of Civilization, 122 ff.

friendship and imposed mutual obligations. At the sacrifice the request, whatever might be its nature, was made.

Some Teachings of the East.

Representing a distinct and important type of civilization the teaching and practice of the Vedic cult as taught in the institutes of Manu is of interest. A few of these teachings follow: 36. Having duly studied the Vedas, and begotten sons according to law, and sacrificed according to his ability with sacrifice, he should fix (his) mind on deliverance.

By making a sacrifice of all his property a man secured special favors. 38. Having done the Prajapatya sacrifice with a fee of all (his) property, having established the—sacred—fires in himself, a Brahman should go forth from his house."[1]

97. The Vedas, liberality also and sacrifices, observances also and austerities, never make for the perfection of one who is of depraved nature,[2] but (42). A twice-born man who knows the real meaning of the Veda (if) he slay cattle for those purposes (sacrifice), causes himself and the cattle to reach the best happiness.[3]

154. For not by years, nor by grey hair, not by wealth or kindred—is superiority; the seers made the rule—who knows the Veda completely, he is great among us.[4]

It is seen that the offering of all property secured the special favor of the gods, but that knowledge was more important than wealth. The following words of the "Holy One," will also serve the purpose at hand.

25. Among the various things offered in sacrifice was the, "offer (of) the sacrifices of wealth or penance."[5]

30. All these are skilled in sacrifice, and by sacrifice their sins are destroyed. * * * The sacrifice of knowledge is better than the sacrifice of wealth, O slayer of foes! Every work, in its completeness, is contained in knowledge.

35. For no purifier is found on earth equal to knowledge.[6] Hear now, O son of Pritha! how, if thy heart be fixed in me, if thou continuest in devotion and findest refuge in me, thou shalt, without doubt know me fully.

[1]Burnell. Institutes of Manu, 139. [2]Ibid, 27 [3]Ibid, 115. [4]Ibid, 34.
[5]Davies. Bhagavad Gita, 62.
[6]Ibid, 63.

10. A sacrifice which is offered without desire for gain and according to rule, in saying, 'Sacrifice must be done with a resolved mind, is good." 10. But the "sacrifice" which is offered for the obtaining of reward and for ostentation, Know, O best of Bharatas! that this is of the nature of "passion."

11. The sacrifice which is offered against the rules, without the giving of food, without holy hymns and Brahman fees, and devoid of faith, is declared to be dark.

Here also knowledge surpassed wealth, and an unselfish spirit was necessary in order to secure the greatest good. Sacrifices, penance or alms which were not offered in a proper spirit, were called "asat," which means unreal and bad.[1]

176. Devote thy heart to Me, worship Me, sacrifice to Me, bow down before Me; so shall thou come to Me. I promise thee truly; thou art dear to Me. Forsaking all religious duties, come to Me as the only refuge. I will release thee from all thy sins; grieve not.[2]

Chapter III.

OCCASIONS OF SACRIFICE.

It is difficult to name an occasion when sacrifice was not offered. The more common and general times and events were: 1. For the dead. 2. Before, at the beginning and during war. 3. For victory. 4. In games, sports and pastimes. 5. In case of disaster, disease and danger. 6. Crisis in domestic life. 7. To secure success over a rival. 8. Whenever a god was supposed to be angry. 9. Time of vintage and harvest.

The Homeric Greek believed in the immortality of the departed. "The dead were fitted out with an extensive equipment, such as they used in life and sometimes with companions for the journey. They were supposed to cherish the same human feelings as living men; desire for property, love and feelings and pride, jealousy, pain, etc. The dead thus provided was not only able to supply his own needs and desires but he was to bear an offering to the gods."[3] Curtiss found this to be

[1]Davies. Bhagavad Gita, 163. [2]Ibid, 163.
[3]Keller. Homeric Society, 104.

a practice among the Semites of the present. Sacrifices are made in behalf of the dead, called the "fedou," such a sacrifice, "served him in the next life as he approaches God."[1] The burying of the favorite horse, weapons, clothes and food was due to the belief that the future life is but the continuum of the present life. And as here so there it will be necessary to stand well with the gods.[2]

A good portion of the time of early man was spent in war. Such men often turned to the gods for help and protection. The importance of the issue and the wealth or number of the combatants determined the kind and value of the sacrifice. "The Greek army went into battle after solemn libations and sacrifices, singing paeans of victory to invoke the protection of the gods; and victory was celebrated with thanksgivings."[3]

The Greeks were given much to sports, games and contests. They believed that deities ruled over these and so sacrifices were offered to the gods, even the prizes won were brought to the temples.[4] At Olympia if a contestant violated the rules of a game, a fine was imposed and this was used to erect a bronze statue to Zeus.[5]

Whenever a plague or epidemic broke out sacrifices were always offered. Even to the time when misfortune comes the Bedouin or unlearned Syrian knows that he has sinned and he seeks with a gift to get on good terms with the god that he has offended. Among these peoples whenever things do not go right they make an offering.[6]

Since supernatural forces hold sway over nature it was a common practice to make offerings at harvest times. "The beneficence of the earth deities must be recognized, or it might be withheld; hence vintage and harvest times were natural seasons for sacrifice and worship. The offering of firstlings or first fruits, then, appears to be partly an act of propitiation, by which precious things hitherto forbidden might be made available; partly an act of gratitude and hope."[7]

That the gods might be propitious and send children to the home sacrifice was made. That the offerings were general and

[1]Curtiss. Primitive Semitic Religions To-Day, 178.
[2]Jevons. An Introduction to the Study of Religion, 301.
[3]Rouse. Greek Votive Offering, 105. [4]Ibid, 149. [5]Ibid, 311.
[6]Curtiss. Primitive Semitic Religions To-Day, 126.
[7]Rouse. Greek Votive Offering, 41.

sometimes liberal is attested by the fact that buildings, shrines of a pretentious character were built. Shrines even to this day are found in many places. It is thought that the Treasuries and Colonnades were erected as statues to the deities by the gifts received.

The Votive offering differed from other sacrifices. Its character was freewill. It was never compulsory, never a tax, never a payment for benefits received. The offering was accidental rather than determined. The Greeks believed that the thought sanctified the deed. This kind of offering, "may be called ideal, as meaning more than appears on the surface; and memorial, as intending to keep the god's beneficience before the mind of the man, and no less the man's piety or gratitude before the mind of the god."[1]

Chapter IV.

PRIESTHOOD.

Origin.

When religion is simple and the rites and ceremonials are few and the worshiper and the god hold direct communion, no professional priest is needed to perform the rites and ceremonials and no go-between is necessary between men and the gods. But when religious ceremonials increase in numbers and complexity and success depends upon the exact performance of the rites, the occasion arises for a class of people who can rightfully perform these duties. "There must be one who has been initiated into the possession of mystic power, who knows just what to say—what formula of many complicated formulas to use under given conditions."[2] The correct performance of sacrifice had power not merely to influence but to compel the gods to do the will of the officiating priest. "By means of it the Brahmans may in fact, be said to hold the gods in their hands."[3]

The Homeric Greeks had no professional priests. However there was the "priest-man" who had by his many sacrificial ser-

[1]Rouse. Greek Votive Offering, 356-377.
[2]Keller. Homeric Society, 145.
[3]MacDonell. A Histroy of Sanskript Literature, 183.

vices made himself solid with a god and for sacrificial purpose had erected an altar on his own account. Such priests had a settled abode and served a particular deity. The priests of the large temples were of noble birth. The office was not hereditary. The priests were immune from military service and though rich and honored these distinctions were individual and not hereditary.[1]

Among people when the patriarchial form of organization exists the patriarch performs the religious rites. When a government is formed it is monarchical.[2] The King is likely to be hereditary. The ruler performs the function of the priest. But this duty is soon delegated to another. Among the Vedas, the priest is appointed by the king and is called a "purohita," or domestic chaplain. This employment of the Purohitas for "the performance of sacrificial functions was the beginning of the oldest form of priesthood in India."[3] The priests placed special stress upon the efficacy of their invocations and intercessions and they did not forget to emphasize the advisability of a liberal reward for their services.

From the Institutes of Manu it is learned that to offer sacrifices made one a priest and that two classes of priests were recognized. "He who, chosen by any one, performs the agnyadheya—sacred fires * * * and other sacrifices, is called here the sacrificial priest."[4] The King was expected to appoint two kinds of priests, "and he should appoint a domestic priest, and choose a sacrificial priest; these should perform the domestic and sacrificial rites for him."[5]

Under the reign of David, Jerusalem became the religious as well as the political center of the Hebrews. Tradition and custom were ignored and David offered sacrifices without the service of a priest.[6] In due time the king appointed priests and these strongly supported the court. Later, son succeeded the father and the priesthood became hereditary.

[1]Keller. Homeric Society, 147.
[2]MacDonell. A History of Sanskrit Literature, 158.
[3]Ibid, 159.
[4]Burnell. The Ordinance of Manu, 33.
[5]Ibid, 158.
[6]I Sam., 9-13; II Sam., 6-14; I. K., 3-4 and 9-25.

Functions of the Priest.

When a religion has made some development and rites and ceremonies have assumed importance then the priest becomes an important personage. Worship, belief and conduct constitute the principal element of early religion. The function of the priest was to conduct the worship, to formulate and enunciate the creed and to determine and supervise the conduct. Among the Israelites the work of the priest was "to carry the ark, to minister to Jehovah, to bless his name."[1]

The priest in addition to what might be strictly called religious functions performed other offices, among these was the writing of the history of worship. Ezra and Nehemiah were such historians.[2] Another service was that of the legislator.

Dr. Harper says that legislation was in its stricter sense the function of the priests rather than that of the prophets or sages. More than those ecclesiastical duties which to-day make up the life of the priest were in these early times included in his work. Religion, politics and secular life were all one and the priest dealt with it all. The care and treatment of the cattle, of the men servants, of the maid servants, the building of a house, the oppression of the poor, the defective classes, the offenders of the law were all under his supervision.[3] It was the social power of the priest that made him important in the history of civilization.

The priest was one who had secured special favor from the gods, either through services rendered or by continual sacrifices offered. He was often of noble birth. Since prayers and offerings were efficacious in securing divine favor and men were not always willing to devote the necessary time and labor to perform such service, those who had wealth would pay the priest to offer prayers and sacrifices for them. When the number of prayers became important the use of wealth to secure the priest's service became intensified and gave the advantage to the man of wealth. That large sums were thus used is seen from the fact that many of the priests became exceedingly

[1]Harper. Priestly Element in the Old Testament, 1, 3.

[2]Harper. Priestly Element in Old Testament, 8. Exod., 23:18-19; Deut., 30:15-20; Lev., 21; Deut., 22:1-12; Exod., 21:1-35; 22:1-27; Lev., 19:9-37; Exod., 23:1-9.

[3]Harper. Priestly Element in Old Testament, 7.

Note—For a full and extended treatise on the office and function of the priest and of the meaning, see Harper—Priestly Element in the Old Testament.

wealthy. "He was a 'pray-er' and was employed to pray for the people and for this he was paid. All priests were rich to Homer, and one of them possessed the finest 'dark' wine of which he knew."[1]

Riggs speaking of the priest of the Hebrews under Roman rules says, "The emoluments of their office brought them wealth and luxury, and gave them little interest in the spiritual demands of their exalted position. * * * Indeed from the time that the office of the high priest had been at the disposal of the civil ruler, the glory of the priesthood had been shadowed. The priest took little or no interest in their work, they became arrogant and worldly minded. Their prayers and devotions lacked the spirit of devotion."[2] Every prayer being coupled with some particular rite and aiming solely at securing material advantages.

Chapter V.

HEBRAISM.

The Jewish religion in its origin was non-commercial. This is a characteristic of all religions in their earliest stages. In normadic conditions there is no property class. Such wealth as may exist is common and used for the benefit of all. But when a property class arises, religion loses its purity and soon wealth plays an important rôlè in the religious life of the people.

Through association with the Canaanites the Hebrews in their religious life became corrupted. In place of the simple sacrifice offered without ostentation, "the religious feasts necessarily assumed a new and more luxurious character."[3] There were ebbs and flood of religious fervor and life but every inflow of heathen form and cultus left Israel spiritually poorer. The simplicity of the desert life yielded to the effects of the material civilization. Though Jehovah was still worshipped and considered as a protecting God, yet there was a growing tendency to conceive of him, "very much as their neighbors, the Moabites, or Edomites conceived of their natural gods."[4]

[1]Keller. Homeric Society, 148.
[2]Riggs. A History of the Jewish People, 227.
[3]Smith. The Prophets of Israel, 38.
[4]Ibid, 24.

Sacrifices in large numbers and of great richness were offered but these did not find acceptance with God or procure his favor. "For thus saith the Lord unto the house of Israel, Seek ye me, and ye shall live; but seek not Beth-el, nor enter into Gilgal, and pass not to Beersheba; for Gilgal shall surely go into captivity, and Beth-el shall come to naught."[1]

While sacrifices were offered and were an important part of the worship of the old dispensation, there was always a call for a repentent spirit and a contrite heart. God is no respecter of persons. The Hebrew religion was non-commercial. "God will provide himself the lamb for a burnt offering."[2] "To do justice, and love mercy and walk humbly with thy God,"[3] secured divine approval. "Ho, every one that thirsteth, come ye to the waters, and he that hath no money; come ye, buy, and eat; yea, come, buy wine and milk without money and without price,"[4] was the cry of the prophet. This teaching and system of salvation placed all on the same plane and took away from wealth its saving power.

Though the priesthood became greatly debased and religious worship corrupted, during all the stages of Israel's history there were some who uttered strong protest against such corruption. Men like Samuel and David; Elijah and Elisha; Jonah, Amos, Hosea, Isaiah and Malachi; Zephaniah and Jeremiah, made great efforts to accomplish reforms in the worship of Israel.[5] This they did by, "pointing out a truer conception of God, the following of which affected both the conduct and worship of the nation."[6]

Although sacrifice became an exclusively religious act, "the prophets strongly denounced sacrifice in which the true spirit of worship was lacking or which in itself, without a proper life, was thought to gain Jehovah's favor."[7] The prophets who spoke the strongest against the commercialization of religion were Amos, Hosea and Isaiah.

The self-indulgent luxury, the indifference and immorality of the age is denounced. "Thus saith the Lord: For three transgressions of Judah, yea, for four, I will not turn away the punishment thereof; because they have rejected the law of the Lord, and have not kept his statutes and their lies have caused

[1]Amos, 5:4. [2]Ex., 22:8, 13. [3]Micah, 6-8. [4]Isa., 55:1.
[5]Harper. The Priestly Element in Old Testament, 19. [6]Ibid, 16. [7]Ibid, 4.

them to err, after the which their fathers did walk; but I will send a fire upon Judah, and it shall devour the palaces of Jerusalem. Thus saith the Lord: For three transgressions of Israel, yea, for four, I will not turn away the punishment thereof; because they have sold the righteous for silver, and the needy for a pair of shoes; that pant after the dust of the earth on the head of the poor, and turn aside the way of the meek; and a man and his father will go unto the same maid, to profane my holy name; and they lay themselves down beside every altar upon clothes taken in pledge, and in the house of their God they drink the wine of such as have been fined. Yet destroyed I the Amorite before them, whose height was like the height of the cedars, and he was strong as the oaks; yet I destroyed his fruit from above, and his roots from beneath. Also I brought you up out of the land of Egypt, and led you forty years in the wilderness, to possess the land of the Amorite. And I raised up of your sons for prophets, and of your young men for Nazirites. Is it not even thus, O ye children of Israel? saith the Lord. But ye gave the Nazirites wine to drink; and commanded the prophets, saying, Prophecy not. Behold, I will press you in your place, as a cart presseth that is full of sheaves. And flight shall perish from the swift, and the strong shall not strengthen his force, neither shall the mighty deliver himself: neither shall he stand that handleth the bow; and he that is swift of foot shall not deliver himself: neither shall he that rideth the horse deliver himself: and he that is courageous among the mighty shall flee away naked in that day, saith the Lord."[1] [2]

Ceremonial worship was vain, "Come to Beth-el, and transgress; to Gilgal, and multiply transgression; and bring your sacrifices every morning, and your tithes every three days; and offer a sacrifice of thanksgiving of that which is leavened, and proclaim freewill offerings and publish them; for this liketh you, O ye children of Israel, saith the Lord God. And I also have given you cleanness of teeth in all your cities, and want of bread in all your places: yet have ye not returned unto me, saith the Lord."[3]

The priest was as sinful as the people, "And thou shalt

[1]Amos, 2:6-16.
[2]See also Amos, 4:4-6; Hosea, 2:2-17.
[3]See also Hosea, 4:4-5.

stumble in the day, and the prophet also shall stumble with thee in the night."[1] "They shall go with their flocks and with their herds to seek the Lord; but they shall not find him; he hath withdrawn himself from them."[2]

True repentance not ceremony was necessary to secure salvation. "For thus saith the Lord unto the house of Israel, Seek ye me, and ye shall live; but seek not Beth-el, nor enter into Gilgal, and pass not to Beersheba: for Gilgal shall surely go into captivity, and Beth-el come to nought. Seek the Lord, and ye shall live; lest he break out like fire in the house of Joseph, and it devour and there be none to quench it in Beth-el."[3] "For I desire mercy, and not sacrifice; and the knowledge of God more than burnt offerings'.'[4] "To what purpose is the multitude of your sacrifices unto me? saith the Lord. I am full of the burnt offerings of rams, and the fat of fed beasts; and I delight not in the blood of bullocks, or of lambs, or of he-goats. When ye come to appear befure me, who had required this at your hand, to trample my courts? Bring no more vain oblations; incense is an abomination unto me; new moon and sabbath, the calling of assemblies,—I cannot away with iniquity and the solemn meeting. Your new moons and your appointed feasts my soul hateth: they are a trouble unto me; I am weary to bear them. And when ye spread forth your hands, I will hide mine eyes from you: yea, when ye make many prayers, I will not hear: your hands are full of blood. Wash you, make clean; put away the evil of your doings from before mine eyes; cease to do evil: learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow. Come now, and let us reason together, saith the Lord: though your sins be as scarlet, they shall be as white as snow; though they be red like crimson, they shall be as wool. If ye be willing and obedient, ye shall eat the good of the land: but if ye refuse and rebel, ye shall be devoured with sword: for the mouth of the Lord hath spoken it."[5]

The wealth of sacrifice with poverty of penetance Jehovah despised and rejected. "I hate, I despise your feasts, and I will take no delight in your solemn assemblies. Yea, though ye offer me your burnt offerings and meal offerings, I will not ac-

[1]Hosea, 43:4-5. [2]See also Hosea, 5:6. [3]Amos, 5:4-6.
[4]Hosea, 6:6. [5]Isiah, 1:11-20.

cept them: neither will I regard the peace offerings of your fat beasts. Take thou away from me the noise of thy songs; for I will not hear the melody of the viols. But let judgment roll down as waters, and righteousness as a mighty stream."[1]

Chapter VI.

THE EARLY CHRISTIAN ERA.

When Christ began his public ministry he found that not only had much of cant, hypocrisy and meaningless forms made their way into the religious life of the people, but, that the lavish use of wealth to secure divine favors was being practiced. That such a profane use of wealth could not win the sought after favor is well illustrated in the account of the widow and her mite. "And he sat down over against the treasury, and beheld how the multitude cast money into the treasury: and many that were rich cast in much. And there came a poor widow, and she cast in two mites, which make a farthing. And he called unto him his disciples, and said unto them, Verily I say unto you, this poor widow cast in more than all they which are casting into the treasury. For they all did cast in of their superfluity; but she of her want did cast in all that she had, even all her living."[2] It was the spirit in which the offering was made that won the Master's approval. This circumstance was a severe blow at the attempt to commercialize religion.

Christ taught that riches though accompanied by morality were not able to secure eternal life and heaven. To the rich young ruler who came to Jesus, asking what shall I do to inherit eternal life, Jesus said, "sell all that thou hast, and distribute unto the poor and thou shalt have treasure in heaven." "It is easier for a camel to enter in through a needle's eye, than for a rich man to enter the kingdom of God."[3]

The selection of men from the humbler occupations by Jesus for his apostles and the sending them forth with the injunction, to take neither purse or script is another instance of how little the Man of Galilee depended upon wealth to promulgate his teachings.

[1]Amos, 5:21-24. [2]Mark, 12:41-44. [3]Luke, 18:18-25.

During its early history the christian church was exceptionally free from the domination of wealth. The first centuries were devoted to the propogation of the new faith, to the moral reformation of the people; the next were occupied in the defense of the gospel and in the struggle between heresy and orthodoxy and then all this energy was turned to the securing of wealth.

Later the possession of large wealth removed the church from a position of penury and uncertainty and inadequate support to one of affluence. But she lost much of her spirituality and power, "covetousness especially became almost a characteristic vice."[1] "The people compounded for the most atrocious crimes by gifts to shrines, to those saints whose intercession was supposed to be unfailing."[2]

The one cardinal principle which distinguished the christian religion from non-christian religions was the emphasis which the former placed upon personal purity and salvation through individual repentance and acceptance of Jesus Christ as a personal saviour.

Pecuniary compensation for crime and sin formed no part of the christian faith. However, pagan customs and practices crept in and influenced christian teachers and communicants. Commercialism of religion reached its zenith with Tetzel selling indulgences and placing the "Mercy of God" on the market for so much per ——. Luther with the doctrine of "Justification by Faith" proved the Waterloo of salvation through wealth and re-established the christian church on the plane of non-commercialism upon which it had been placed by its founder.

[1]Hallam. State of Europe During the Middle Ages, 261.
[2]Lecky. The Morals of Europe, 2:230.

Chapter VII.

THE MIDDLE AGES AND TO-DAY.

Sources of Church Wealth.

So great was the commercialization of the church of the middle ages that it resorted to a large number of ways and means to secure wealth, and the willingness with which the people of wealth contributed to the church through these various means shows their belief in a purchasable religion. The following may be mentioned as the sources of wealth of the church.[1]

1. From gifts—including the holding of estates to avoid the payment of taxes by the owner. 2. Credulity and superstition of the people. 3. Efficacy of gifts to expiate sins. 4. Doctrine of purgatory. 5. Veneration for relics. 6. Worship of images. 7. Idolatry of saints and martyrs. 8. Mass for the dead. 9. Personal gifts of Emperors, Kings and Princes. 10. Cultivation of estates and grants. 11. Purchase of properties during crusades. 12. Surrender of property on entering a monastery. 13. Surrender of property on going to war. 14. Gifts for charity. 15. Seizure of estates or portions of them. 16. Fear of denial of the last sacrament. 17. Canonical penance. 18. Dispensations and indulgences.

The invasion of the barbarians from the north formed another source of wealth. While these peoples in great numbers professed conversion to the christian faith, they retained many of their former beliefs and practices. Among these were the superstitious reverence for the priesthood, a credulity that seemed to invite imposture and a confidence in the efficacy of gifts to expiate offenses.

The Roman law did not permit the tenure of lands in mortmain. Certain immovable estates the revenues of which were applicable to their own maintenance and that of the poor, and estates and property given to avoid taxation, *i. e.* on the immunity plan.

The veneration for relics and the worship of images or saints and martyrs early arose and from the first proved a source of

[1]See Hallam. Europe During the Middle Ages, Chapter 7; 261 ff.

profit. The doctrine of purgatory, the vivid descriptions of hell and future punishment together with the doctrine of the escape from all this through a payment was a great source of wealth.

Through masses for the dead the rich were enabled to secure relief for their departed friends and this yielded an enormous income. Much wealth came in the form of donations, especially after the beginning of the 16th century. Emperors, kings, and princes made large personal coutributions. Many churches possessed 7,000 or 8,000 manse, one with but 2,000 passed for only indifferently rich.[1]

The cultivation of the estates was a source of wealth unquestionable. During a crusade the land of those going, could be bought at a fraction of its value, and this went to swell the coffers of the church. One entering a monastery voluntarily surrendered his estates to the church. Small wonder that the church favored the monastery. Gifts for charity formed an important part of the income of the church. The property of those going on military expeditions was often given to the church.

The sinful rich were especially taught that a large donation was the one sure passport to heaven. To die and not leave a portion to the church was considered impious and often led to the refusal of the last sacrament. "A rich man was scarcely deemed a christian if he did not leave a portion of his property to the church and the charters of innumerable monasteries in every part of Europe attest the vast tracts of land that were ceded by will to the Monks for the benefit of the soul of the testator."[2]

Canonical penances, extravagantly severe, imposed upon repentant offenders were commuted for money or property. As early as the Ninth century, the Arch-bishop of Canterbury published a tariff list of penances.[3] A payment of one hundred shillings was accepted in lieu of a year's penance of singing psalms, fasts and strokes on the hand. The merits of heaven were sold at both private and public sales. People were released from all vows and from all penance by a money pay-

[1]Lecky. European Morals, 2:246.
[2]Ibid, 229.
[3]Jusserand. English Wayfaring Life in the Middle Ages, 309 ff.

ment.[1] Some of the Pardoners, as they were called, were authorized to ply their trade and they sent a part of their earnings to the Roman Court. Very much the same condition existed in France, Germany, Italy and Spain.

So extensive became this practice that certain Germans said, "the last popes have put a price upon sins like shop keepers 'wares' and have sold remission of sins by means of indulgences for jingling coins."[2] Tetzel's list contained such rates as these, "sodomy was rated at twelve ducats, sacrilege at nine, murder at seven, witchcraft at six, murder of parents or brothers at four."[3]

The chamberlain of Innocent VIII declared that, "God willeth not the death of a sinner, but that he should pay and live." It was even declared, "that the dealer in pardons saved more people than Peter."[4] In England in the Fourteenth century, wandering preachers and friars went about selling indulgences and letters of fraternity—drafts on heaven.

Influence of Wealth on the Church.

In no country is the demoralizing influence of wealth on the church more clearly seen than in France. The fashionable world for ten years past, says Marcie in 1783, "has not attended mass. People go only on Sundays so as not to scandalize their lackeys while the lackeys well knew that it is on their account."[5]

So irreligious became the people and so little faith had they in the mass that it was said that during the illness of the King of France, 1757, private individuals paid for 6,000 masses, while in 1774 after an attempt had been made on the life of the King only 600 masses were demanded, and during his fatal illness only three masses were asked for.[6]

The clergy of the higher orders through their wealth obtained many privileges, immunities and concessions. (1) Some-

[1]Hausser. The Period of the Reformation, 1517-1648, 16. [2]Ibid, 16.
[3]Ibid, 17. [4]Ibid, 17.

Note—The belief that sacrifice wins the favor of God and that prayers and masses deliver the soul from purgatory is still taught in South America. In Uraguay indulgences are sold. For twenty-five cents paid in advance a person can sin for a week with immunity. Pardons for sins come at a very low price.

[5]Taine. Ancient Regime, 291. [6]Ibid, 291.

times they paid no taxes. (2) Were able to buy off the King. (3) To have the tax which they did pay, considered as a free gift, given in exchange for concessions.

On one occasion the clergy borrowed from the Royal treasury not only enough to pay the tax already reduced but an amount in excess of the tax.[1]

These same clergy gave but little attention to religious matters. The bishops and some of the priests were seignior-suzerains, they had vassals, doled out fiefs and received homage and incomes from the fief holders. The Bishop for Gevaudan, when entreated to appear in the assembly of the three orders of the provience, replied that his place, his possessions and his rank exalting him above every individual in his diocese, he can not sit under the presidency of any person; that being seignior —suzerain of all estates and particularly of the baronies, he can not give way to his vassals. In brief he is king, or but little short of it, in his own province.[2]

During this period the Bishop exercised much power in political affairs, he appointed judges, forest wardens, imposed fines and even the death penalty.[3] The hand of greed was large, and the arm that extended it was long; the mind that guided it was covetous and every thing was seized that was seizable.

The immorality of the wealthy clergy became great. They lost all sense of propriety and decency, they were much given to drinking, dancing and gaming. Immoral plays were attended. Even mistresses were kept in their houses, though they professed celibacy. "Rich widows were surrounded by swarms of clerical sycophants, who addressed them in tender diminutives, studied and consulted their every foible, and under the guise of piety, lay in wait for their gifts or bequests."[4]

The clergy sought to imitate the King and had their magnificent seats, houses, retinue, equipage, and even debts. The office of Bishop was often hereditary. At Savern there were in the Bishop's house 700 beds, 180 horse, 14 butlers and 25 valets.[5]

Unbelief and scepticism entered largely into the life of the clergy. "In the month of August, 1767, the Abbé Bassinet,

[1]Taine, Ancient Regime, 18 ff. [2]Ibid, 20. [3]Ibid, 20.
[4]Leckey. European Morals, 2:60.
[5]Taine. Ancient Regime, 375.

grand Vicar of Cahors, in pronouncing the panegyric of St. Louis in the Louvre chapel, suppressed the Sign of the Cross, making no quotation from scripture and never uttering a word about Christ and the Saints."[1]

To-day.

Wealth still plays an important part in religious life. It is not used to secure spiritual results but social and material prestige. It is used to secure favor of men, not of God. The sacrifice must now be a contrite spirit and a broken heart.

Wealth is a factor in the religious life of to-day. There has simply been a change in the placing of the accent. The church with its massive brick or stone walls, lofty spire, elaborate and costly windows, with its rich furnishings, high salaried choir, pipe organ and degreed minister, attracts much more attention than a less pretentious church, even though it be of the same denomination and located in the same city. The question or criteria which decides the church attendance and membership of not a few, is which church will give the greatest social prestige. Spiritual development, opportunity to do good, to aid the needy, to worship freely are often sacrificed. In the erection of church buildings considerable strife is made to outdo a a rival church. The worshipper of such a church may be no more religious or pious or tenacious to his belief than the poorest communicant.

To repent in sack cloth and ashes was required of the suppliant of an earlier day, now the suppliant clan in purple casts a golden piece upon the silver plate and secures if not salvation at least social prestige.

[1]Taine. Ancient Regime, 292.

PART III.

WEALTH AND LAW.

The Law is also the monopoly of wealth, and in the Temple of Themis there is no place reserved for the labourer.—Loria.

Chapter I.

PRIMITIVE LAW.

All primitive societies are crude. No law exists. Every man is a law unto himself. Brute strength is the ruling force. The only method to avenge a wrong is the personal one. A society, a community, does not, cannot advance very far before other means for the settlement of wrongs are adopted. A government of a very crude sort, yet a government, is formed. Laws are formulated, courts instituted, duties prescribed, penalties fixed, responsibilities assumed, and obligations imposed. Among the duties of government is the preservation of the peace. "The primary duty of government is the preservation of peace. There can be no society, no community, however loose the bond or however narrow the sphere, without some means for maintaining order. The genesis of government is the beginning of peace.[1] That such was the effort of early societies is shown by their codes, for "the Ripurian and Salian codes are practically catalogues of crimes and penalties," and the same is largely true of the early English codes.

Self-Redress.

The practice of early peoples was self-redress. Private revenge and personal redress for injuries seems to have been the general practice. This conclusion can only be reached in some cases through survivals and indirect methods. The Twelve Tables of the Roman Law permitted a creditor to act as his own constable and to keep the debtor in his own goal. However the debtor must be first taken before the pretor. By 389 A. D. private redress was ended.[2]

[1]Howard. Development of the King's Peace, Uni. Neb. Studies, 1:235 ff.
[2]Ibid,.

Note—Howard's foot notes are very copious and helpful.This article is highly commended to the reader as a study of the origin and development of the King's Peace.

Blood-Feud.

In case of murder the offended party could not demand satisfaction. So under the system of self-redress the custom arose for the next of kin to become revenger. The family was the unit, and out of the enlarged family sprang the clan and tribe, soon such became the juristic unit. It is readily seen that this primitive method of settling disputes tended to create disastrous and long continued struggles. These struggles sometimes were within the family, clan, tribe and sometimes between families, clans and tribes. Howard[1] shows that the terms clan and peace are equivalent terms. Among the Israelites an entire family or tribe was punished for the sin of a single offender. See Judges 19 to 21 and 2nd Samuel 21: 1-14.

Keller finds that among the Homeric Greeks it was blood for blood, "the blood vengeance fell upon the offender's blood-kin and community, upon women and innocent children. Man-slaughter within one's own community or tribe drew down immediate blood-vengeance from the brothers and other relatives of the slain man.[2] The son felt called upon to avenge the murder of father, brother of brother, etc.

Among the ancient Irish if the guilty could not or would not pay the fine, the fine was levied on the guiltless relatives.

Chapter II.

COMPENSATIONS.

Wergeld or Man Value.

Self-redress could not meet all cases. The Blood-Feud was unsatisfactory. An eye for an eye did not long continue to meet the demands even of a primitive age, and again it placed all men on a plane of equality. Hence some other method was necessary. So instead of demanding and seeking blood for blood a tariff of values was established. No longer did each man act as his own sheriff, jury, judge and executioner. The wergeld is

[1]Howard. King's Peace, 239. [2]Keller. Homeric Society, 283.

Note—The Greek, the Semitic and the Aryan peoples followed the same custom. The Blood Feud is treated by Smith, The Religion of the Semities, 251, 252, 254, 256.

of early use, as is seen by a study of the early codes. It prevailed among the Homeric Greeks, Achilles is censured for not accepting the offer of reparation made by Agamemnon. It was practiced by the Germans. In Babylon the wergeld was a state penalty.[1]

Says Howard, "speaking broadly, throughout the entire German world, when history dawns, the state or volksverband has already gained the acceptance of her intervention in clan disputes. In practice if not in theory, the unrestricted blood-feud is extinct. In its place we find a vast system of compositions and penalties which the clan is allowed to administer, but under some restraint, however feeble, of a law superior to her own."[2] In the trial scene described by Homer, Iliad, Bk. XVIII, 501 ff., the two talents of gold placed before the gerontes were probably blood-money.[3]

The method of satisfying offended justice by the use of the wergeld had certain limitations at first. "The avenger was not obliged to receive the commutation or wergeld offered, though it was sometimes accepted, for a very near relative. Many a man has received an indemnity from the murderer of his own brother, or even of his own son, when he (the victim) was dead; and he (the murderer) had remained there, in the country, after paying a great fine and his (the avenger's) heart and noble soul have been stayed by the receiving of the penalty."[4]

The introduction of the wergeld produced a marked change in the settlement of wrongs. It made it possible for men of wealth to possess superior power, to avoid bodily suffering and punishment, it gave to such a larger liberty to violate law and to escape most easily its infractions. Also it gave to such greater protection as will be shown in the next paragraph. It must be noted that when the wergeld is collective there is no social power to wealth. For when a person commits a crime and has to depend upon the clan or tribe to pay the wergeld, the payment yields no social power to the violator, but when it is an individual payment then it does yield social power. In the former case, however, to the clan that makes the payment

[1]Cherry. Lectures on The Growth of Criminal Law in Ancient Communities, 10.
[2]Howard, King's Peace, 250.
[3]Hern. Aryan Household, 435, foot note.
[4]Keller. Homeric Society, 285.

there comes an advantage. When life is exacted for life, all lives are of equal value. But when there is a varying money value, varying values can be and are placed on lives and social distinctions arise.

Wergeld and Rank.

Not only was there a payment varying according to the enormity of the offense but the payment varied according to the rank of the party against whom the offense was committed. This gave those of the higher ranks the greater protection. Also members of the higher ranks were often required to pay less when they committed an offense against a person of a lower rank.

The wer (in Celtic law the honor-price) was the regular price of a man fixed according to his rank, and was paid to his relatives in case of his death. This was purely a personal value estimated according to a man's rank and position.[1] The "bot" was paid to the relatives as compensation for crime. This varied according to the nature of the act. The "wite" was a fine paid to the king as penalty for the breach of his peace.

"Some passages of the laws assume that a King or chief might elect to base his 'honor-price' on the amount of his possessions. This is an extremely interesting fact, as showing that the great importance of wealth is not, as is generally supposed, peculiar to modern society."[2] "By the Lex Salica the fine was paid in money, and varied according to the rank, sex, and age of the murdered person."[3]

This same principle is found in the early English laws of Aethelbirht, Hlothhaere, Eadric, Wihtraed, Ine, Alfred, Edward, Aethelstan, Edmund, Edgar, Etheldred, Dun-Setas, Cnut, and Edward the Confessor.[4] Among the Semitic people the practice was not so general, this was due to strong religious influence. Legal codes formed under strong religious influence show a marked contrast to the codes not so formed. Payment of fines came very slowly and were much less general among many ancient people, as among the Celts.[5] With the Jew human life was sacred. Man was created in the image of God. "He that smiteth a man, so that he die, shall be surely put to death."[6]

[1]Cherry. Growth of Criminal Law, 83. [2]Ibid, 23. [3]Ibid, 11,
[4]Sterns. Germs and Development of the Laws of England.
[5]Cherry. Growth of Criminal Law, 42. [6]Exodus, 21:12.

The absence of class distinctions among the Jews may account for the absence of a system of fines of varying amounts. Judaism never favored the compounding of a crime by a money payment. The Mohammedan law allowed relatives of the murdered to elect to accept a fine or to put the murderer to death. "In case of unintentional homicide, a two months' consecutive fast set the offender free."[1] The code of Manu is especially free from money considerations for crimes and from class legislation.

Under the Brehon Law, the amount of the fine was determined (1) by the nature of the act, (2) the rank of the person injured, (3) by the rank of the person committing the crime. It must be remembered that wealth was the principal factor in determining rank among the Celts.

With the exception of the clergy the possession of wealth was the basis of the grading the wer. The ownership of land was made an important consideration. "And if a 'ceorlish' man thrive, so that he have V hides of land for the king's 'ut-ware' and any one slay him, let him be paid for with two thousand thrymeas." However the possession of other property answered the same purpose, "and though he thrive, so that he have a helm of coat of mail, and a sword ornamented with gold, if he have not that land, he is nevertheless a 'Ceorl'."[2]

Wealth and Protection.

By making the penalty severer and higher for offenses committed against those of wealth and rank, intending offenders would be less willing to commit the crime, thus this gives greater protection to the rich.

The Brehon law sanctified the space around a person's dwelling to the distance to which a speer could be thrown. For people of rank the space was multiples of this distance.[3] Cherry quotes from the fourth book of the ancient Law of Ireland, "The spear measures twelve 'fists' between the iron head and the place where the horn is put into the extremity, *i. e*, the extremity of the handle. Now the shot of this which the bo-aire chief casts as he sits in the door of his house is the extent of the

[1]Cherry. Growth of Criminal Law, 54.
[2]Sterns. Germs and Development, 115.
[3]Cherry. Growth of Criminal Law, 34.

inviolable precinct of the bo-aire chief respecting his 'seds' and the aire-desa' chief has twice this extent; and every grade from that up to the King of a territory has double it, *i. e.*, the King of a territory has sixty-four shots as the extent of his inviolable precinct, and it is by the green, these shots are measured for every inviolable precinct; and where there are discharged from the place where they (the parties) constantly sit."[1]

The view is held by some that the object of making the fine higher for crimes committed against persons of wealth and rank was not to secure to them better protection but merely to restrain such from committing acts of violence and thus involving men of power and means in warfare. Thus a large fine tends to preserve the peace. This argument may have some truth but it does not in any way lessen the argument that wealth and rank secures protection to those who possess them. That a large fine had a restraining effect was taught by the Gentoo Laws. "From a man that is rich, a larger Fine, than that respectively specified thall be taken, that, feeling the Inconveniences of the Mulet, from the Fear thereof, he may be restrained from the commission of such crimes a second time."[2] Siegel in his Lectures on Slavonic Law in describing Poland says, "the knights were guarded from transgressions by the higher pecuniary fines, had real property, and were freed from a great many burdens in exchange for their military chivalry service but did not take part in political life until 1370."[3]

The code of Hammurabi, which contains laws enacted by a Babylonian King who reigned about 3,000 years B. C., furnishes some valuable data. With the exception of law number 8 the rich man is favored. "If a man has stolen an ox or sheep or ass or pig, or ship, whether from the temple or the palace, he shall pay thirty fold, If he be a poor man, he shall render ten fold. If the thief has nought to pay he shall be put to death."[4]

[1]Cherry. Growth of Criminal Law, 28. [2]Hastings. Gentoo Laws, 321-322.
[3]Siegel. Lectures on Slavonic Law, 111. [4]Johns. Code of Hammurabi, 43-48.

Chapter III.

CODES.

Hammurabi.

The following laws are taken from the code of Hammurabi to which reference was made in the last chapter. They are self-explanatory, but little comment is necessary. "If a man has caused the loss of a gentleman's eye, his eye one shall cause to be lost."[1] 197. "If he has shattered a gentleman's limb, one shall shatter his limb." But (198) "If he has caused a poor man to lose his eye or shatter a poor man's limb, he shall pay one mina of silver." Thus the gentleman is secured better protection. 199. "If he has caused the loss of the eye of a gentleman's servant or has shattered the limb of a gentleman's servant, he shall pay half his price." 200. "If a man has made the tooth of a man that is his equal to fall out, one shall make his tooth fall out." 201. "If he has made the tooth of a poor man to fall out, he shall pay one-third of a mina of silver."

202. "If a man has struck the strength of a man who is great above him, he shall be struck in the assembly with sixty strokes of a cow-hide whip." 203. "If a man of gentle birth has struck the strength of a man of gentle birth who is like himself, he shall pay one mina of silver." 204. If a poor man has struck the strength of a poor man, he shall pay ten shekels of silver."

205. "If a gentleman's servant has struck the strength of a free man, one shall cut off his ear." 206. "If a man has struck a man in a quarrel, and has caused him a wound, that man shall swear 'I do not strike him knowingly' and shall answer for the doctor."

207. "If he has died of his blows, he shall swear, and if he be of gentle birth, he shall pay half a mina of silver." 208. "If he be the son of a poor man he shall pay one-third of a mina of silver."

209. "If a man has struck a gentleman's daughter and caused her to drop what is in her womb, he shall pay ten shekels of

[1]Johns. Code of Hammurabi, Law, 8, 3.

silver for what was in her womb." 210. "If that woman has died one shall put to death his daughter." 211. "If the daughter of a poor man through his blows he has caused to drop that which is in her womb, he shall pay five shekels of silver." 212. "If that woman has died he shall pay half a mina of silver."

213. "If he has struck a gentleman's maid servant and caused her to drop that which is in her womb, he shall pay two shekels of silver." 214. "If that maid servant has died he shall pay one-third of a mina of silver."

Code of Gentoo.

To understand this code it is necessary to state the theory of creation as held by these ancient people.

"The Principle of Truth having first formed the Earth, and the Heavens, and the Water, and the Fire, produced a Being, called Burmah, the Pewtah,[1] for the creation of all beings. Afterwards he created the Bramin from his mouth, the Chebteree from his Arms, the Bice from his Thighs, and Sooder from his Feet."[2] Bramin ranks first and always enjoys special privileges. His duty is to read the Beids (Gentoo Scriptures).

So far as the writer can discover, the possession of wealth yielded no social prestige, but that rank and caste were founded on birth and religion was the underlying principle. Here is found the prestige of Sanctity.

This code is another evidence that legal systems which develop under strong religious influence do not recognize wealth as a basis for social and legal gradations.

A man of the higher cast is favored by the law of interest. "If a loan be granted to a Man of the Chebteree cast, in that case, when Bramin pays, interest one Rupee, the Chebteree shall pay one Rupee Eight Annas, when the Bramin is charged one Rupee Two Annas, his interest shall be one Rupee Eleven Annas; and in the place of Two Rupees, the Chebteree shall give Three." "If a loan be granted to a Man of the Bice Cast, he shall be charged double the Interest of a Bramin." "If a loan be granted to a Man of the Sooder cast, in that case, where the Bramin pays Interest one Rupee, the Sooder shall pay Two Rupees Eight Annas."[3]

[1]Note—"Pewtah" is that to which all offer their worship.
[2]Hastings. Gentoo Laws, 35.
[3]Ibid, 3.

The following laws show the three principal bases that were recognized in levying a fine. "If a man of an equal cast, and of equal Abilities with another, makes him become falsely suspected of the crime of Atee Patuk,[1] the Magistrate shall fine him one Thousand Puns of Cowries," but, If a Man of an inferior cast to another, and also of inferior Abilities, falsely makes him suspected of the Crime of Atee Patuk, the Magistrate shall fine him Two Thousand Puns of Cowries," yet, "If a man of superior Cast and of superior Abilities to another, falsely causes him to be suspected of the Crime of Atee Patuk, the Magistrate shall fine him Five Hundred Puns of Cowries."[2]

In the case of "Maha Patuk" the fine is respectively, Five Hundred for a man falsely accusing a man of equal Cast and of equal Abilities, but if the accuser is of inferior Cast and of inferior abilities the fine is One Thousand Puns of Cowries, but if a man of superior Cast and superior abilities falsely accuses a Man of inferior Cast and inferior abilities the fine is only Two Hundred and Fifty Puns of Cowries.[3]

As a guide to the Magistrate this law is given "In any Affair when the Cast and Science of the Party are mentioned, a Fine shall be taken, according to the Amount at which that particular Cast and Science are rated."[4]

In some cases of assault the same principle held,[5] while in others the fines were One Hundred, Forty and Twenty Puns of Cowries, according to the cast of the offender.[6]

It is interesting to note that, "If a Man deprives another of Life, the Magistrate shall deprive that Person of life; if a Bramin deprive any Person of Life, the Bramin's Life shall not be taken in return, but he shall be fined One Hundred Ashrusies. A Bramin shall not be put to death upon any Account whatever."[7]

In the Case of theft there is a varying scale of punishments, "If a man steals a Man of a superior Cast, the Magistrate shall bind the Grass Beena round his Body, and burn him with fire; if he steals a Woman of a superior Cast, the Magistrate shall cause him to be stretched out upon a hot Plate of Iron, and, having bound the Grass Beena round his Body, shall burn him

[1]"Atee Patuk" is incest with one's own mother, daughter or with a son's wife.
[2]Ibid, 206-207.
[3]Hastings. Gentoo Laws, 35. [4]Ibid, 215. [5]Ibid, 217. [6]Ibid, 220.
[7]Ibid, 233.

in the Fire." but, "If a Person steals a Man or Woman of a middling cast, the Magistrate shall cut off both Hands and Feet, and cast him out upon a Highway where Four Roads meet;" yet, "If a Person steals a Man of an inferior cast, the Magistrate shall fine him One Thousand Puns of Cowries; if he steals a Woman of an inferior Cast, the Magistrate shall confiscate all his property."[1]

Three kinds of adultery were recognized and the fines are Two Hundred and Fifty, Five Hundred and One Thousand Puns of Cowries, but if Man of wealth commit any of these crimes, "a still larger fine shall be taken."[2]

In case a man incurred a debt and was unable to pay the same on account of famine or some similar calamity, the creditor could not force payment but must be content to accept the payment of the debt in small payments.[3]

That the rich were not favored is seen by this law, "If a Man bring a claim against any person, saying 'you owe me a Sum of Money,' and that Person denies the Debt, that Person, if he be rich shall be fined Twice as much as the Debt; if he be a Man of inconsiderable Property, he shall be fined a Sum equivalent to the Debt."[4] [5]

"After being acquainted with the Fines stated for each particular species of Theft, as mentioned in the Chapter on theft, if a Sooder commits a Robbery, he shall pay Eight Times as much; if a Bice, he shall pay Sixteen Times as much; if a Chebteree, he shall pay a Fine of Thirty-Two Times as much; if he be a Bramin he shall pay Sixty-four Times as much; if he be a Bramin of Extensive Knowledge, he shall pay One Hundred Times as much; if he be a Man of the greatest Rank, he shall be fined One Hundred and Twenty Times as much."[6] This law reveals a practice quite the contrary to the practice found in the codes. The probable explanation is, that knowledge was most important and if one who possessed superior knowledge and belonged to a superior cast committed a crime he was fined in proportion to his rank.

[1]Hastings, Gentoo Laws, 248. [2]Ibid, 268. [3]Ibid, 313. [4]Ibid, 313.
[5]Note—Crime committed against a woman is regarded as a more serious offense than when committed against a man and a greater fine is fixed.
[6]Hastings. Gentoo Laws, 320.

Israelitish Law.

The Levitical and Deuteronomic codes are also of interest. Like the laws of Manu, Hammurabi and Gentoo, these laws developed under a strong religious influence and they do not in any respect show favor to the man of wealth. A few passages are given to show that the poor were not to be oppressed. "Ye shall not afflict any widow, or fatherless child."[1] "And thou shalt not glean thy vineyard, neither shalt thou gather the fallen fruit of thy vineyard; thou shalt leave them for the poor and for the stranger: I am the Lord your God. Ye shall do no unrighteousness in judgment. Thou shalt not respect the person of the poor, nor honour the person of the mighty: but in righteousness shalt thou judge thy neighbour."[2]

This law is a growth and not a spontaneous production, "it was in reality the result of a process of selection, modification and elimination, affected by many and varied influences."[3] This makes these laws of much value for the present purpose, for they cover a long period of time and represent both early and late periods of civilization.

Penalties for almost every conceivable wrong were provided, but there is no class distinction or immunity except for the priest craft.

Exodus 13: 20 to 24 and 34 may be designated as the primitive Israelitish codes. They represent, although only partially, the growth of Israelitish law from the earliest times to about 750 B. C.[4] Later codes are found in Ezekiel 40 to 48.

Tables of Gortyna.

The Twelve Tables of Gortyna[5] which represent the early law of Doric Greek (Crete) represent a type of civilization in which social and political status rather than wealth was the basis of classification and the fines are made in accordance with this fact. Three classes of persons were recognized. (1) Freemen, (2) Clubless persons, who were either freedmen or other unprivileged citizens, and (3) Slaves. Two classes of slaves existed; (a) city slaves purchased for money, and (b) country slaves, persons who had been enslaved by war. The relative value

[1]Exodus, 22:22. [2]Lev., 19:10, 15.
[3]Saunders and Kent. Biblical and Semitic Studies, 43. [4]Ibid, 71,
[5]Roby. The Twelve Tables of Gortyna, 136-137.

of these classes, in case of fines, for freeman, one hundred staters, clubless person, ten staters, a slave one-half stater. In case a slave committed an injury he paid twice the fine imposed on a freeman. Rape and adultery were treated as matters for private compensation. If a freeman commit one of these crimes, he paid one hundred staters but if a slave committed a similar act with a free person he was fined two hundred staters. If one lie by force with a freeman or a freewoman, he shall restore a hundred staters, but if with (the man or woman) of a clubless person, ten staters. If a slave (force) a freeman or freewoman, he shall restore twofold, and if a freeman (force) a male or female house holder, five drachms; and if a male house holder (force) a male or female house holder, five staters.[1] If one be taken in adultery with a free woman in (her) father's (house), or in (her) brother's, or in her man's, he shall restore a hundred staters, but if in another's, fifty staters. But if (he) be a slave (be taken) with a freewoman, he shall restore twofold: if a slave with a slave, five (staters).

Anglo–Saxon.

The early law codes of England show (a) how the payment for a crime could be made in money and, (b) that there was a scale of fines for the same offense, but committed by persons of different social standings. These fines show that when a person of an upper class committed a crime he paid less, and that when an offense was committed against a member of the higher rank by one of a lower order the offender had to pay a higher fine.[2]

All offenses, even capital crimes were payable in "bot" or money-fines as early as Aethelbriht's time, A. D. 560–606. In order to carry out this system a fixed schedule of values to everything was made. The classes recognized under this legal process were—the King, the bishop, the ealderman, the earl, the freeman, the ceorl and the esne. The standard of value was the freeman, those above, being ranked successively higher, those below—lower.[3]

[1]A stater was equal to about 67 cents. The drachm was equal to half a silver stater.
[2]Sterns. Germs and Development of the Laws of England, 23. [3]Ibid, 24.

Class Gradations.

"Theows," who were slaves by birth was the name given to the lowest class. "Wite Theows" were those who had been reduced to slavery on account of inability to pay fines. "Esne," was a hireling in a senile condition. Freeman was one under duty to a lord or King from whom he held lands under tenure. "Hoet," a class between servile and free; of this class there were three ranks. Earls, held offices of honor and in turn came to have a part in governmental affairs. Ealdormen were those who exercised the power over the Kingdoms of the Heptarchy. This office later passed to the Earls.[1]

The laws of King Aethelbirht show clearly that the distinction of rank was strictly observed. "If a freeman steal from the King, let him pay nine-fold, but if a freeman steal from a freeman let him make "bot" and let the King have all the "wite" and all the chattels." "If a man lie with the King's maiden, let him pay a "bot" of XXX shillings, or if the third (class)XII shillings."

If a man slay another in the King's "tun" let him make "bot" with L shillings, but, if a man slay another in an Earl's "tun," let him make "bot" with XII shillings. "If a man lie with a ceorl's birele (a superior slave) let him make "bot" with VI shillings; with a slave of the second (class) L Scaeths (a small coin); with one of the third—XXX Scaeths. If (any one) slay a "lact" of the highest class, let him pay LXXX shillings; if he slay one of the second, let him pay LX shillings; if the third let him pay XI shillings.

Law 75 illustrates this same principle in another phase of life. For the "Mund" of a widow of the best class, if an "Earl's" degree, let the "bot" be L shillings. Of the second, XX shillings; of the third, XII shillings; of the fourth, VI shillings. The Laws of King Hlothhaere and Eadice who lived about 670 A. D. or 60 years after the death of Aethelbirht, teach that "if any one's 'esne' slay a man if an 'Earl's' degree, whoever it be, let the owner pay with three hundred shillings, give up the slayer, and add three 'man wyriths' thereto. But if it should be a freeman that is slain the penalty is only one hundred shillings, giving up the slayer, and a second man-

[1]Sterns. Germs and Development of the Laws of England. (4) 27 ff.

wyrith." One thing especially to be noted is that in all the laws, compensations for offenses can be made in money.

The laws of King Wihtraed 700 A. D. "If a Gesithund man, a military follower of the King, be guilty of illicit intercourse, he paid a 'bot' of C shillings, but if a 'Ceorlish' man he paid only L shillings."[1]

The Laws of King Ine. A law which treats of fighting, and the "bot" ranges from 120 to LX shillings according to the rank of the house where the fighting takes place.[2]

Laws of King Alfred. "If a man committed an offense against the person of a woman the 'bot' ranged from V to LX shillings, but if this befall to a woman more nobly born let the 'bot' increase according to the 'Wer'."[3] "If a man lie with the wife of a twelve-'hynde' man, let him make 'bot' to the husband with one hundred and twenty shillings, to a six-'hynde' man, let him make 'bot' with one hundred and twenty shillings, to a 'Ceorlish' man let him make 'bot' with forty shillings."[3]

"If a man commit a rape upon a 'Ceorl's' female slave, let him make 'bot' to the 'Ceorl' with V shillings, and let the 'Wite' be LX shillings."[4]

The 18th of the Laws of King Ine, reads, "A 'Ceorlish' man, if he have often been accused, if he at last be seized, let his hand or foot be cut off."[5] Sterns, commenting on this law notes, that mutations and scourging were for the slave, while the master could buy his peace with money. The explanation is simple. A low caste man as a slave had no money to pay his fine with. This is but another instance of the Social Power of Wealth. Also the loss of a member was a life long loss while a money fine was soon paid.[6]

Law of Person and Property.

The history of law shows that both in the making and in the execution the rich have always been favored. But the law of property has never been as unjust or as discriminating in favor of the wealthy as the law of person. "All the legislation concerning seduction and illegitimate children—matters which involve the violation of the honor of the poorer classes by the

[1]Sterns. Germs and Development of the Laws of England, (5) 40.
[2]Ibid, (6) 44-45. [3]Ibid, (11) 79. [4]Ibid, (25) 82-83. [5]Ibid, (18) 47.
[6]Note—The purpose has been to cite only such laws as seemed to be related to the question under consideration.

rich, is exclusively inspired in the interests of the latter and tends to exempt the wealthy in every possible way from the consequence of their acts. The law reaches this result by forbidding the revelation of paternity, by refusing to give illegitimate children any right to the father's possessions and by other such means."[1] The Italian code treats with much indulgence many crimes especially committed by the rich. While crimes common to the poor are severely punished. "Theft under certain aggravating circumstances has to be expiated by twenty years in the galleys, while for swindling, five years in prison suffice, one year is the penalty for violation of the domicile, and six months for outrages of chastity, while under certain circumstances these crimes are merely punished by a fine of five hundred francs."[2] The law of Cnut declared, "housebreaking and arson, and open theft, and open-morth, and treason against a lord are by the secular law bot-less."[3] These offenses were more likely to be committed by the property-less class than by those of some means.

Imprisonment for Debt.

Among Homeric Greeks, debt brought no "extreme misery or slavery."[4] This was probably due to the fact that the social power of wealth was not so marked as it became later. The ancient Roman law, however, was very severe against theft, the offender often lost his liberty. "If the thief was not in a position to pay the value demanded by the injured party and approved by the Judge, he was assigned by the Judge to the person from whom he had stolen as a bondsman."[5] "Thieves are not usually found among the wealthier classes. However, should one of the wealthier classes become financially involved and was compelled to borrow he was well protected against usurous contracts but the poor man enjoyed no such immunity."[6]

The American Colonies and young states present an interesting picture of the Social Power of Wealth in the sphere of Jurisprudence. For the smallest debt a person could be cast into and kept in prison, though it be but a cent.

"By an old law which went back to the days when Penn-

[1]Loria. Economic Foundations of Society, 106. [2]Ibid, 112.
[3]Cherry. Growth of Criminal Law, 89. [4]Keller. Homeric Society, 98-99.
[5]Cherry. Growth of Criminal Law, 70.
[6]Loria. Economic Foundations of Society, 107.

sylvania was a colony, magistrates were allowed cognizance without appeal of debts under forty shillings, or $5.33. When the debt exceeded that sum the debtor was entitled to a stay of execution. But no such privilege was accorded the wretch who owed a sixpence or a shilling, and who might if his creditors chose, be dragged to jail on what were truly called "spite actions."[1]

The lot of the penniless debtor was while confined in jail far worse than that of thieves, murderers and felons. These were fed at public expense, the debtor was not. His prison room was without chair, table, bed and blankets. The floor was his chair, table and bed. In New York City during 1816, 1,984 debtors were imprisoned, 1,129 were in prison for debt under $50.00, 729 for less than $25.00.

In Vermont a man contracted a debt for 54c, to a firm of two, who divided the obligations and had the man imprisoned for 27c. The costs in each action were, execution $1.75, officer's fees $2.18, jailer's fees 50c, citation 34c, service $1.25, commissioner's fees $1.25, a total for both cases of $14.54, so the man goes to prison because he is too poor to pay the original 54c.

In Boston a man was sent to prison for contracting a grocery bill while he lay ill with a fever. In Philadelphia forty prisoner's debts represented an aggregate of $23.00. One man owed 2c, another 72c.

The property of a minor is much better protected than his person is.[2] A proprietor finds the law more favorable than does the non-proprietor. "Among the Marea, likewise, an African tribe, the thief, if he be a noble, is only obliged to return the thing stolen, but if he be a man of the people, he is condemned to give up everything that he possesses."[3] The law of Hammurabi presents a somewhat mixed practice. "If a man has stolen ox or sheep or ass or pig, on ship, whether from the temple or the palace, he shall pay thirty-fold. If he be a poor man he shall render ten-fold."[4] But if perchance he had nothing to pay he was put to death. "If the thief had nought to pay he shall

[1]McMaster. The Acquisition of the Political, Social and Industrial Rights of Man in America, 50-65.
[2]Ibid, 107.
[3]Glasson. Histoire du Droit de la France, 11:567. quoted by Loria.
[4]Johns. Code of Hammurabi, 3, law8.

be put to death." Law 117 indicates that an undue penalty could not be imposed. "If a man a debt has seized him, and he has given his wife, his son, his daughter for the money, or has handed to work off the debt, for three years they shall work in the house of their buyer or exploiter, in the fourth year he shall fix their liberty."[1]

Witnesses and Rank.

According to the Master and Servant Act of England, the laborer could not testify for himself but the master could go on the witness stand and testify in his own behalf. A person accused of a crime was privileged to bring witnesses who could swear as to his character. Not only the number of witnesses was important but the rank of the same. The higher rank could swear for the lower but not vice versa. A man of the order of a thane who could produce twelve thanes, of which number he counted one, could clear himself. "The oath of one lord was sufficient, sometimes, to clear a vassal or a slave. The oaths of the nobility counted in favor of inferior persons according to their wergeld or legal value."[2]

According to the Twelve Tables of Gortyna there were some cases where only freemen were allowed to witness. These laws provided that, a freeman could clear himself from a false accusation by his own oath and that of four compurgators. Two compurgators were sufficient in case of a clubless person and the oath of his lord and one other set free a slave.[3]

[1]Hammurabi, 21, law 117.
[2]Sterns. Germs and Development of the Laws of England, 273.
[3]Roby. The Twelve Tables of Gortyna, 136.

Chapter IV.

INFLUENCE ON ADMINISTRATION.

During barbarian times men sought to accomplish their purposes by the use of brawn. If a man found himself inferior to his foe, through the use of wealth he sought to secure the aid and support of his fellowmen, by the promise of satisfactory reward he secured fighters—soldiers to help him fight his battles. But in later times wealth in the form of bribes was used, for it was cheaper to bribe than to fight.

The terms, "buying judge and jury," is something more than a figure of speech, it expresses what has too often taken place, the favorable judge on the bench and the favorable person in the jury box. There has been and there still is a disposition to regard with favor the man of wealth. The poor starving girl who takes a loaf of bread to appease the gnawing hunger of her younger sister is branded as a thief, while the daughter of the millionaire who purloins a dress pattern is called a cleptomaniac. The man who steals $5 is sent to jail, the bank president who misappropriates thousands goes "scott free" and besides is called a great and shrewd financier.

In colonial Virginia there was a law which forbade a man marrying two women, because at that time women were scarce. It was announced at church that the guilty, either man or woman, should "undergo corporal correction or be punished by fine or otherwise, according to the quality of the person so offending." Says Coke, "if persons of 'quality' indulge in this dangerous amusement, they are only to be fined; all others are to be corporally corrected with good lashes on the back."[1] "It was even with the notions of the time that the scales of Justice should slant a little toward a plaintiff or defendant of dignity and a high-born felon did not lose the benefit of his birth. In Maryland, for example, the criminal of quality was to be beheaded according to English precedent and not hanged like a vulgar rogue, while Massachusetts politely refused to send 'any true gentleman' to the whipping post."[2] The same tendency

[1] Esten. Virginia—A History of the People, 149. [2] Ibid, 144.

exists today. "Theft on Wall Street is measured by a different standard from that which takes its spoils through Rat Alley. He who steals a vest from a second hand clothing store gets a ride in the city van without the opportunity of looking out of the window, but he who swallows a moneyed institution astonishes Central Park with his equipage."[1]

There has come to be a "partiality of hemp," and an "aristocracy of the gallows."[2] Two persons adjudged equally guilty of the same offense, one without means, suffers the penalty, the other, possessing means, employs legal talent, appeals his case, buys the service of more legal talent; exceptions are taken, demurrers are filed and he finally cheats the law. A person charged with crime, has opportunity to evade the law and escape its penalty in proportion to his wealth. The delays of the law are shown by an Oregon case where a murderer sentenced to hang has remained three years in jail because he filed an appeal in the supreme court. No attempt was made to push the proceeding and the mere filing had the effect of saving the man from the gallows.

The shield of the state has well protected the man of wealth and the protection of law has been for those who had the price.

[1]Talmage. Evils of the Cities, 175. [2]Ibid, 180.

PART IV.

WEALTH AND POLITICAL INTEREST.

The Poor Man Does Not Count.—McMaster.

Chapter I.

EARLY PRACTICES.

Feudalism.

Political interests form one of the segments of human activity and within this segment wealth exercises a social power. In early times society was an ever shifting bar of sand, and government—if such rule as then existed can be called government—was the will and power of the strongest; but very early in the history of a people, military prowess is supplanted in large part at least by wealth-power and political rights and privileges become the appanage of the well-to-do.

Fustel de Coulanges describing "L' Aristocratie Feodale au VII Siecle,"[1] states that the term "leudes," (great vassals that voluntarily followed the King in war), is not found in "lois franques" nor in the "Chartes" nor in the "Saints" but is found in the "Chroniques."

These two terms are applied to those who were great by the favor of the prince or by the functions or duty which such rendered to him. This custom had existed since the Roman Empire and had not changed in the seventh century.

The creation of the "leudes" proved disasterous to the absolute and universal authority of the King, and in time took from him much political power. As early as 613 this was manifest and by 650 these "leudes" who formed the external party took power into their hands. They even raised troops without orders from the King and came between the King and the lowest classes.[2]

The growth of "propriété" (property and proprietorship)

[1]Fustel de Coulanges. Les Transformations de la Royaute, 60. [2]Ibid, 71-75.

greatly weakened the state and consequently effected the political situation. D' une part, le droit de propriété ne fut par mis en question il garda toute sa puissance, il l' accrut memé. L' impot foncier, seul lien de dependance qui la propriété eut avec l' etat, fut insensiblement supprime par le don de l' immunisté et la propriété se trouva ainsé affranchir de l' authorite publique.

The large proprietors soon secured much independence. Plus la grande propriété etait independante prospere, plus elle pouvait faire la loi áceux qui occipaient son sol. Le contrat de fermage disparuet et la concession en bienfait put sa place.[1] Les grands domaines allérent grandissant à chaque génération.[2]

So when the great proprietors, abbots, bishops and laity became rich in land and "fidelles" they obtained immunity from taxes, the furnishing of soldiers or yielding military service. All this indicates the shifting of political power. The people began to accept this feudalism, for the state was oppressive and offered but little and uncertain protection. Taxes were exhorbitant and military service oppressive. Que beau coup d' hommes renoncaient volontairement à leur condition d' hommes libres, c'est-a-dire de subjects du roi, pour entrer dans les ordres ecclesiastiques, ou se faire les vassaux d' un éveque ou d' un abbé. Leur motif n' etait pas la devotion; c'etait le desir d' echapper au service militaire et à toutes les autres charges que l' etat imposait au citoyen.[3] Ils etaint accablés par les corvees, par le droit de gite, surtout par le service militaire. A se faire vassaux, au contraire, ils se procuraient un protecteur puissant qui les defendait en justice et les exemptait des charges publiques.[4]

Feudalism is a state of society in which individuals feel compelled by a sense of duty to yield obedience and to give support to a superior. This superiority has for its base wealth. The superior acquires and retains his position through superiority of arms, through judical acts, and through the possession of wealth. In the evolution of the system a decentralizing process takes place, whereby the freemen who have secured arms and acquired wealth refuse longer to obey the summons of the lord or to furnish the sinews of warfare in time of need, or means for further exploitation. This process builds up multiplied centers of power

[1]Fustel de Coulanges. Les Transformations de la Royaute, 705. [2]Ibid, 706.
[3]Ibid, 567. [4]Ibid, 706.

each with its leader. These leaders are, "the great ones among the free subjects already in possession of the advantages of wealth and territorial influence, (who) begin to make themselves so many centers of actual power and to attach the lesser freeman to themselves by the hope of action or of defence in war, and of rewards in peace."[1]

In the earlier stages of feudalism the binding tie was largely political and military, or perhaps it is better to say military means were used to secure political power. Resplendent and dazzling as military life and achievements were, the results of such a life were so uncertain and unstable that it was necessary to employ something more sure to retain the allegiance of the vassal, so by 814, wealth in the form of land came into play and became the binding tie. It was a case where the liberal man became powerful, for the larger the number of fiefs that a lord was able to give the greater number of vassals he was able to gather around him.

The point of especial interest is that throughout the different stages of development of the feudal system it was the man of wealth, the land owner, that was able to command the allegiance and service of his fellow men.

It added to the prestige of the superior, that no "vulgar" pay as salary was paid by him for services others rendered for him, and he received the service as a mark of his superiority. During this period service was divided into two classes, (1) noble, (2) ignoble. The former was that service which was rendered without pay, such as, in arms, on horse, presence and aid at hunts, and tournaments; the latter consisted in the tillage of the soil and service for pay. It was often necessary for the vassal to render his lord financial support, but this obligation being a personal one it was discharged by the payment of a stated sum called a "auxilum" or "aid" and not a tax. To have called the payment a tax would have been objectionable to the vassal and it would have lowered the social standing of the lord, hence it was called, "a present," as if it were coming from out of the good will (of the giver) and not from compulsion.[2]

[1]Emerton. Medieval Europe, 480.

[2]Ibid, 491.

The Brehon Law.

The Brehon Law is intensely interesting because it deals with a people of the primitive times and yet a people who had developed certain distinct institutions. These early celts made wealth a requisite for holding positions of honor and power.

A wealth aristocracy existed amongst this people of which the chief ruler as king or emperor was the head. "The difference between the eorl and ceorl is a primary fact from which we start."[1] Tacitus made a similar classification in Germanic Societies, the noble and the non-noble freeman, likewise Caesar divided all continental celtic tribes into the equites and the plebs.

The selection of a chief was determined by his wealth. "Whatever a chief is, he is a rich man, not however, rich as popular associations would lead us to anticipate, in land, but in live stock—in flocks and herds, in sheep and before all things oxen."[2] The Cain Aigillne tract, 279, lays down the law that "the head of every tribe should be the man of the tribe who is the most experienced, the most learned, the most truly popular, the most powerful to oppose, the most steadfast to sue for profits and to be sued for losses."[3]

Maine concludes that personal wealth was the principal condition of the chief maintaining his position and authority. Giddings agrees with Maine on this point.[4]

Promotions.

Wealth was the means of promotions among this people. The Bo-Aire[5] were divided into seven grades, the basis of division being the amount of wealth possessed by the chief. "At the bottom of the scale is the chief or noble called the Aire-desa, and the Brehon law provides that when the Bo-Aire has acquired twice the wealth of an Aire-desa, and has held it for a certain number of generations he becomes an Aire-desa."[6] Land was not the only important form of wealth. Among the Brehons it counted for little as it does among any people where land is plenty. The peasant needed not only land, but

[1]Maine. Early History of Institutions, 131. [2]Ibid, 133. [3]Ibid, 134.
[4]Giddings. Principles of Sociology, 295.
[5]Note—The Bo-Aire or Cow-nobleman was a peasant who had become rich through cattle.
[6]Maine. Early History of Institutions, 136.

means to work the land, and as much of the land was for grazing and as cattle were in great demand, in cattle was the Bo-Aire rich. Cattle were even used for wife purchase. The chief was able to secure political prestige as well as other services by being able to aid the people. The same custom prevails among the Zulu. "The retainers of a Kaffir chief serve him for cattle, his retinue, court, or whatever it is to be called, consists of men from all parts of the tribe, the young, the clever, and the brave, who come to do court service for a time, that they may obtain cattle to furnish them with the means of procuring wives, arms, or other objects of desire."[1] [2]

Much earlier than the times of which Fustel de Coulanges writes wealth secured political power. Among the Homeric Greeks, it was a sure winner of office. "Kings were regularly reported wealthy, their riches no doubt aided in their elevation."[3] When Greece became a Roman province, the offices of magistrate and ruler were conferred on those who had large fortunes and "in Asia Minor the controlling influence was placed in the hands of the rich."[4]

In Rome political positions were held by men of wealth. "It is the census that raises a man to the dignity of a Senator; it is the census that distinguishes the Roman Knight from the plebian; it is the census that determines promotions in the camp and it is according to the census that the judge is chosen in the Forum."[5]

Office holding came not only to the rich but later was made hereditary and thus these positions were retained under the control of a few great families.

Wealth Secures Political Rights.

In a primitive society, there is need of some one to act as the ruler or leader and that some one either through popular selection but more often by usurpation becomes such a leader, and this leader tends to become despotic. But whenever the ruler must select others to aid him in the administration of political affairs, it is the nobles that are selected and from these arises a political aristocracy. The aristos or noble thus chosen

[1]Giddings. Principles of Sociology, 294.
[2]Maine. Early History of Institutions, 143.
[3]Keller. Homeric Society, 98.
[4]Loria. Economic Foundations of Society, 147.
[5]Ibid, 137.

is always from the freemen, those who have wealth, those who are able to contribute to the support of the leader and his rule.

The next stage of development is the rise of the lower class, those who are neither nobles or serfs. Their rise is also due to to their accumulation of wealth. The possession of wealth places power in their hands and leads them to SEEK and DEMAND recognition and the enjoyment of larger political liberties and privileges. Because they can contribute support to the monarch he grants at least some of their demands and in return for the concessions granted he receives revenue in the form of tribute or taxes or they agree to rally to the monarch's aid in times of war either of defense or conquest.

Leslie holds that, "the owners of property are on the eve of becoming a powerless minority, and the many, to whom the whole power of the state is of necessity gravitating, see all the means of subsistence and enjoyment offered by nature in the possession of the few."[1] This only states a partial truth. That the consolidation of wealth is taking place is only too evident, yet while the owners are few in numbers they are able to exert a greater political control than do the large majority of propertyless people.

Men of wealth hold office. In case they do not wish to be burdened with the duties and responsibilities of office and enjoy its emoluments and honors, they can exercise power and secure favorable legislation by having men favorable to their interests placed in office.

So long as the exercise of political power stands as the sign of social power so long people of wealth seek office and authority. As under the feudal system political power stood for the personal attribute of the lord, and so long as this power and privilege could be handed down from father to son, so long did the possession and the exercise thereof stand as the mark of social power, but when political and economic changes take place and law and politics became mere positions of salary, nobility and people of wealth lose the desire for office holding.

[1]Leslie. In Introduction to Laveleye's Primitive Property, XXI.

Chapter II.

GERMANIC PRACTICES.

Mass Against Class.

England may be taken as a type of the social power of wealth in the field of politics. The rules, customs, practices and laws of the Teutonic people were early established in England, and as this influence prevailed throughout western and central Europe, by studying England the condition of a large part of the continent of Europe is learned.

Feudalism in England dated from the ascension of William, 1066. The king was all powerful and held the depossessed Saxon land. This was divided among the barons who in turn pledged their service to the king. This system prevailed until the time of King John, when the Magna Charta was obtained and there was formed the great Council or Parliament (House of Lords), but this was composed only of men of wealth, "earls, great barons, and prelates."[1]

The organization of the House of Commons in the reign of Henry III, 1258, was not altogether a victory of the common people, for the common people only come to power as they possess wealth, except through revolution as in France under the old regime, but even in France some of the people had acquired wealth. It required almost four hundred years for the House of Commons to win its final triumph.

Before the time of Charles II, 1649, the king enfranchised and disfranchised places at his pleasure. Seats were bought and sold. Constituencies sometimes contained only eight or ten voters and the candidate for parliament was named by a peer or a wealthy land owner, if the King did not make selection. "Out of a House of 658, 513 for England and Wales, 45 for Scotland, and 100 for Ireland, the number of nominee members was 487—there being 371 for England and Wales, 45 for Scotland, and 71 for Ire,and. Those for England and Wales were nominated by 87 peers, 9 commoners and 16 by the crown. The Scotch nominee members were returned by 21 peers and 14 commoners and

[1]Murdock. A History of Constitutional Reform, 13.

the Irish by 36 peers and 19 commoners. In all there were only 202 individuals who had the nomination of those 487 members which constituted a very large majority of the house."[1]

As late as 1710 the law required that a knight of a shire must have an income from land of £600 and a burrough member £300. Up to 1832 a landed income was necessary for a person to be eligible for membership in the House of Commons.

Unless a person paid parish rates, or was a member of a corporation, or a householder, or the owner of a 40 S. freehold he could not vote. Even the Reform of 1832 left five-sixths of the adult males disfranchised.

The possession of wealth has been the one requisite for the privilege of voting. In 1851 A. M. Locke King introduced a motion making £10 the basis of voting. In 1854 Lord John Russell introduced a bill making the qualification, a yearly salary of £100, or £10 yearly dividend from government funds, Bank Stocks, or East India Stock; or the payment of 40 S. a year either to income tax or assessed taxes.

In 1858 property qualification for English and Irish members was abolished. Mr. Disrael in 1859 introduced a bill making personal property the basis of franchise. The third great struggle in England for a more liberal franchise lasted from 1864 to 1884. The details of this struggle need not be here cited. It was the old strife between the upper and lower classes. Wealth and aristocracy only yield to the non-landed class after a tremendous struggle. Property qualification was the cry of the anti-reformers.[2]

Justices of the Peace serve without pay, the office being entirely without pay, the position being one of honor, of dignity and of social distinction. "This is shown primarily by the qualifications for the offices. The early laws provided that 'good' men or the 'most worthy' should be appointed. Under Richard II it was enacted that they should consist of the 'most sufficient knights, esquires and gentlemen of the law' of the country. * * * The qualifications at present are estate in land worth £100 a year, or the occupation of a dwelling assessed at the same annual amount."[3]

[1]Murdock. A History of Constitutional Reform, taken from Oldfield's Representative History, 6:285-300.
[2]Ibid, 263.
[3]Howard. King's Peace, 278.

So, "retired capitalists, young men of rank, members of parliament are ready to have their names included in the commission though they may never exercise the functions of the office."[1] Thus those who possess wealth can command and secure additional privileges and honor.

Legislation.

Since Parliament was composed of men of wealth or those who represented wealth the laws were made to favor the rich. The laws were not only partial but they were despotically administered. They deal with many phases of life. Attention is only called to a few. The reference is to the year in which they were passed. 1710 and 1732 show the effort to retain office for the man of means. 1718 and 1802 shows the severe punishemnt meted out to violators of the game laws. It must not be forgotten that the wealthy alone enjoyed the privilege of hunting and that it was the poor man that was tempted to violate such laws. If the poor man got into debt he must go to prison but by the law of 1738 the peer could not be imprisoned. The law of 1740 imprisoned the laborer for non-fulfillment of contract. The 1780 law restricted franchise to those assessed for land tax.[2]

1690 Act passed to give landlord power of sale over tenant's effects, and extending right of seizure over corn, loose, or in the straw, or in a granary, etc. Wm. and M., session I. C. 5.

1691 Act for the discovery and punishment of deer-stealers, 3 W. and M. C. 10.

1692 Act giving power to search for game, etc., 4 and 5 Wm. III, C. 23.

1709. Act giving a preference to landlord for one year's rent over ordinary creditors, 8 Anne, C. 14.

1710. Act prescribing that a knight of a shire must have £600 a year, and a borrough member £300 a year, of income from land, 9 Anne, C. 5.

1710. Act against night poaching, 9 Anne, C. 12.

1715. Act for the protection of trees, 1, Geo. I, C. 48.

1718. Act for further punishment of deer-stealers, 5 Geo. I, C. 15.

[1]Howard, King's Peace, 279.
[2]From Murdock. A History of Constitutional Reform, 27-30.

1718. Act imposing 7 years' transportation on any one entering a park and killing a deer. 5 Geo. I, C. 16.

1720. Act to prevent journeymen tailors in London from combining to raise wages or lessen hours of work—their hours being from 6 A. M. to 8 P. M., with an hour for dinner. 7 Geo. I, C. 13.

1721. Act for recovery of penalties under game-laws. 8 Geo. I, C. 19.

1725. Act to prevent weavers from combining to raise wages. 12 Geo. I, C. 34.

1731. Act for ejection of tenants. 4 Geo. II, C. 18.

1731. Act to prevent frauds against the common laws. 5 Geo. II, 12.

1732. Act fixing £100 per annum from land as the qualification of a justice of the peace. 5 Geo. II, C. 18.

1738. Act giving landlords power to recover their tenants goods removed from premises. 2 Geo. II, C. 19.

1738. Act freeing peers from imprisonment even for a crown debt. 2 Geo. II, C. 24.

1741. Act imposing hard labour in house of correction to a journeyman who neglects performance of engagements in making up gloves, boots, etc. 13 Geo. II, C. 8.

1745. Act for the more effectual prevention of those of mean estate from becoming justices of the peace. 28 Geo. II, C. 20.

1741. Act providing hard labour in house of correction for artificers, labourers, etc., for misconduct. 20 Geo., C. 19.

1749. Act extending 13 Geo. C. 8 to workers in woolen and linen goods, whereby anyone not fulfilling engagement to be sent to house of correction. 22 Geo. II, 27.

1757. Act extending 20 Geo. II, C. 19, to agricultural labourers, 31 Geo. II, C. 11.

1765. Act imposing transportation on anyone who destroys or takes conies in the night time. 5 Geo. III, C. 36.

1766. Act imposing 3 months' in the house of correction on apprentices, handicrafts men, or labourers, for non-fulfilling contract. 6 Geo. III, C. 25.

1766. Act imposing 7 years' transportaion for destruction of trees or shrubs in night time. 6 Geo. III, C. 36.

1770. Act imposing not more than 6 months and not less than 3 months for killing game in night time. 10 Geo, III, C. 19.

1773. Act providing that the journeymen weavers of silk in London and Middlesex be periodically fixed by Lord Mayor or justice of peace—that masters paying more or less shall forfeit £50—that men asking or taking more or less shall forfeit 40 S. 13 Geo. III, C. 68.

1777. Act ordering journeymen in hat trade, on appealing to quarter session anent raising wages or lessening hours of work, to find sureties to abide judgment. 17 Geo. III, C. 55.

1780. Act prohibiting any one from having a county vote unless assessed for land tax for 6 months. 20 Geo. III, C. 17.

1782. An act imposing a fine of £500 and imprisonment of 12 months on any one contracting with or encouraging a workman in calicos or linens to leave country. 22 Geo. III, C. 60.

1785. Act extending this to workers in iron or steel. 25 Geo. III, C. 67.

1791. Act imposing heavy corn duties, if wheat, 44 S., duty 5 S. 31 Geo. III, C. 30.

1796. Act prohibiting assemblies of 50 persons to petition parliament or discuss grievances, unless 7 householders give notice to authorities and the meeting was advertised—and at such meeting nothing to be done to stir up hatred or contempt of the government or constitution on pain of death, without the benefit of clergy. 36 Geo. III, C. 8.

1796. Places for lectures on grievances to be licensed. 36 Geo. III, C. 8.

1796. Act against combinations of men in paper works for raising wages or lessening hours. 36 Geo. III, C. 3.

1799. Act to suppress societies formed for overturning government. 39 Geo. III, C. 79.

1799. Act consolidating laws against journeymen of all kinds, combining to raise wages or lessen hours or quantity of work and imposing 3 months' imprisonment or two months in the house of correction. 39 Geo. III, C. 81.

1800. Act imposing 40 S. or 6 months' imprisonment on a collier who refused to fulfill engagement. 39 and 40 Geo. III, C. 77.

1802. Act imposing seven years' transportaion for hunting,

snaring, or injuring deer within an inclosure and a penalty of £50 if uninclosed. 42 Geo. III, C. 107.

1804. Act imposing very heavy corn duties, duty on wheat, 24 S. 3 d. 44 Geo. III, C. 109.

1807. Act extending to Ireland the laws for having wages of artificers, labourers and servants fixed by a justice of the peace. 47 Geo. III, C. 43. Session 1.

Poland.

Northern Europe, as is seen in the history of Poland, was no different than German Europe or England. As the nobility of Poland became wealthy they became the determining power in legislation. "In 1466, after the conquest of the Vistula, and its opening for the export of agricultural products, the nobility became wealthy. This preponderance of the nobility made itself felt in the enactment of the Diet of 1496, by which the right of migration by the peasants was greatly limited. The citizens were deprived of their right to possess landed property, and the higher dignities in the church were made eligible for nobility alone."[1]

Likewise as the cities became poorer they, "became weaker in culture, education and fellow feelings, at the very moment when their natural rival, the nobility, greedily accumulated riches, political influence and new ideas."[2]

The Present German Situation.

Much of the old wealth-political system still exists in Germany for the suffrage system of the smaller German states practically excludes the poor man and places political power in the hands of those who possess wealth. Hans Markwald,[3] thus summarizes the situation. Sachsen Weimer practically excludes proletariat by a cunningly devised method of tax qualifications. The same thing is true of Anhalt, where an income of 1050 marks per year is necessary for the exercise of the suffrage in towns and 600 in the country. Two delegates are appointed by the reigning grand duke and eight by the wealthiest land-owners. In Reusy Greiy three of the 12 delegates are named by the prince, and 2 by the noble class, the remaining 7

[1]Sigel. Lectures on Slavonic Law, 113. [2]Ibid, 113.
[3]Markwald. Stuttgart Neue Zeit.

being selected by the tax payers. The taxes commence at an income of 600 marks. In the principality of Lippe 5 of the 21 delegates are elected by the owners of the agricultural lands, 131 acres being the minimum; 2 delegates are chosen by those who pay 180 marks or more in income taxes, while 7 of the delegates are elected by those who pay at least 36 marks in ground and income tax. The remaining 7 are chosen by those who belong to none of the privileged classes.

In Sachsen-Altenburg of the 30 delegates, 9 are elected by the largest tax payers. Those who do not belong to this class are divided into 3 classes according to the amount of taxes paid and it is needless to say that we never find workmen in the first class and but rarely in the second, nor can any one vote who is behind 3 months in his taxes, or who is provided by his employer with board and lodging. Each of the 3 above mentioned classes elects 7 men.

In the "republic" of Bremen only those persons are entitled to vote who pay a burgership fee of 16.50 marks. Sixty-eight representatives of the citizens are chosen, but 4 of the deputies are elected by the wealthy classes, 14 by the intellectual, 40 by members of the stock exchange, 2 by independent manufacturers, and 8 by the great farmers. In the "free state" of Lubeck only those can vote who for an uninterrupted period of five years have possessed an income of at least 1300 marks, and who have paid taxes on the same. Still more plutocratic is the electional system of Hamburg, where half of the 160 of the citizens' representatives are elected by the privileged classes. Of the 15 delegates of Schwargburg-Sondershausen, a third are named by the ruler of the country, 5 are elected by the largest tax payers, and 5 by the people.

In Saxony the Prussian System has been followed closely, and only tax payers are entitled to vote. As in Prussia, the voters are divided into 3 classes by means of a division into 3 portions of the total tax paid, the number of votes allowed to each individual varying with the class in which he is found.

In Waldeck only those can vote who possess a dwelling house or other piece of real property, worth at least 300 marks, or who pay at least 3 marks direct tax per year. The latter are those who have at least 300 marks yearly income. In Brunswick we find that of 48 deputies, 30 are chosen by means of the Prussian

three-class system, 2 by the priests of the various churches and 5 by the largest income tax payers, 4 by the largest land-owners, 3 by the largest tax payers among the manufacturers, 4 by the educated classes.

Wealth and Taxation.

Every organized government necessitates expense. This expense is usually provided for by taxation. When taxes are equitably levied and justly and efficiently expended, no class of the people is burdened. But when the tax is unequitably laid and the privileged classes escape paying their just share those least able to pay are unjustly burdened.

Since people of wealth possess the most political power they make the laws favorable to themselves and shunt the burden of taxation from themselves.

While people of wealth pay taxes as do the poor there seems to be this difference. 1. The poor are compelled to pay, the tax is a levy, a tribute, an impost. 2. While for the rich it assumes the form of a gift. The element of compulsion is left out. They are able to escape.[1] The capitation (caput) tax of Diocletian became a plebian capitation tax. The land owners escaped paying it.[2]

The great Roman land owners of the fourth century escaped many of the taxes. For such tax as was made new privileges were exacted. "If the emperor granted a remission of taxes, they (the rich) saw to it that they monopolized the benefit. The governors and functionaries of every grade did not dare to enter into a struggle with those personages, who were high in their own district and who had often held high places in the government service or at court, moreover the governors and functionaries themselves belonged to the senatorial class, of which the great land owners were members and were therefore only too willing to shut their eyes to such misdeeds."[3]

By special legislation the rich escape their just share of the tax. In Prussia (1873) the law provided that the income tax paid by any one person should not exceed 7200 Thalers, this proviso exempted all incomes over 240,000 Thalers.[4]

Restricted sufferage is favorable to the property class, under

[1]Munro and Sellery. Medieval Civilization, 34. [2]Ibid, 35. [3]Ibid, 40.
[4]Loria. Economic Foundations of Society, 212.

such conditions personal taxes are higher and property tax lower. In England the rich pay 4.7% of their incomes for taxes while the poor pay 7.9%.

And in the United States it is generally conceded that property of high valuations pays proportionally less tax than property of low valuation.

The condition of France before the Revolution of 1789 presents a vivid picture of the immunity which the privileged classes enjoyed from taxation in full or in part. The nobles and ecclesiastics were exempt from (1) personal taille and from (2) the cultivators taille.[1] This tax was important for from it were paid the salaries of army officers, governors and provincial commanders, fees of police and court officials. It also provided for the construction of bridges, roads, canals, public buildings, charitable institutions, post-houses for horses, fencing and riding schools, paving and sweeping Paris, and in some provinces the support of schools. Thus it is seen that this was an important tax.

The poll tax which was to be paid equally according to the property was in many cases either not paid at all or paid only in part, "one who should have paid 1700 to 2500 livres paid only 400 livres, while one of the lower class who should have paid 70 livres, was required to pay 720 livres." The same immunity was enjoyed by the wealthy in regard to the vingtiemes and the corvee or direct tax.[2]

The payment of taxes being considered a mark of servitude and a badge of oppression the nobles and clergy under pretext of saving their dignity secured exemption from paying taxes.[3]

Chapter III.

AMERICA.

Qualification for Suffrage.

Turning from the old world with all its traditions and deeply seated customs, with its aristocracy and monarchy, to the new

[1]Taine. Ancient Regime, 362. [2]Ibid, 464.
[3]Blanc. Le Peuple avant La Revolution in Readings from French History by Super, 79.

world, one looks for equality in affairs political. But much the same principle prevails in the new as in the old. Suffrage as the privilege only of the property class, lasted to a very late date. This shows the persistent power of wealth to seek and maintain political control.

Republics are unhealthful to aristocracies and democratic institutions make for equality. So in the evolution of American politics there has been a transition from the basis of property to the basis of ideas. "The American system rests fundamentally on the franchise, all our constitutions and laws are devices to enfranchise the man. He is the center of the civil system. His freedom and responsibility are the measure of our politics. The hundred years of national history marks a change from a government founded on property to a government founded on persons."[1] In 1785 only one person in thirty was a voter, today one in five votes.

This struggle for the acquirement of political rights and privileges has been the struggle against wealth. The ability of wealth to so long retain this prerogative is the more remarkable in view of the Declaration of Independence, which declares:[2]

1. That all men are created equal. 2. That they are endowed by their maker with certain inalienable rights. 3. That among these rights are life, liberty and the pursuit of happiness. 4. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

The thirteen colonies through their representatives accepted these principles. Every thing in these declarations indicated that all men without regard to the possession of wealth were to enjoy equal rights.

Eleven of the thirteen colonies immediately adopted state constitutions setting forth with much positiveness the equality of men. Massachusetts declared, "government is instituted for the common good, for the protection, safety, prosperity and happiness of the people, and not for the profit, honor and private interest of any one man, family or class of men."

[1]Thorpe. A History of the American People, 527.
[2]McMaster. The Acquisition of the Political, Social, and Industrial Rights of Man. NOTE—A free use of McMaster has been made for this data, 16-20.

North Carolina declared "no man or set of men are invited to exclusive or separate emoluments or privileges from the community except in consideration of great public service."

In spite of such declarations of equality, the right of franchise and of office holding were restricted to those who possessed wealth.

New Hampshire, the voter must be a tax payer. Massachusetts, a person must possess a freehold estate yielding an income of £3 a year, or to have a personal estate worth £60.

Connecticut, an annual income of $7.00 from a freehold estate or real estate rated on the tax list as worth $134.

New York, a freehold estate of £30 or a house rent of 40 S.

New Jersey, more liberal than many of the states, allowed all persons, male or female, white or black, native or alien, to vote, provided they owned real estate worth £50.

Maryland, a freehold of £50 in the county where the vote was offered or personal property of £30.

Virginia, required the ownership of 25 acres, property planted with a house 12 feet square on a foundation, or 50 acres of wild land or a freehold or estate interest in a lot in some estate established by law.

South Carolina, a freehold of 50 acres or own a town lot, or have paid a tax equal to the tax on 50 acres of land.

Georgia, one must own £10 of property and pay a tax.[1]

So influencial was wealth that to November 16th, 1877, in New Jersey woman could vote if she owned real estate.

Qualification for Office.

The second political privilege of a citizen is to be allowed to hold office and thus help to make and execute the laws of his land. In many countries the right to vote always precedes the right to hold office and this country has been no exception to this rule. The privilege has been also placed on a higher property holding than voting. This has given the man of wealth the advantage and has added to his social prestige. Attention is now called to the property requirements for office holding in the several states at the formation of the union.[2]

New Hampshire, a voter had to possess £100. Massachu-

[1]McMaster, 17.

[2]McMaster, 20.

setts, a freeholder of £100 or personal estate of £200 in order to be a member of the lower house.

New York, a freeholder of £100 over all debts.

New Jersey, one must possess a personal estate.

Delaware, "he must have the proper qualifications;" which meant property qualification.

Maryland, to become a member of the assembly, a person must be worth £500.

North Carolina, "a member of the house of commons must be possessed and continue to be possessed in fee simple or for life of a freehold of 100 acres of land."

South Carolina, a representative must own 500 acres of land and ten negro slaves, or real estate worth £150 clear of debt.

Georgia, the ownership of 200 acres of land or property worth £250 was necessary to be eligible for a member of the legislature.

To be eligible for membership in the upper house a person had to possess twice as much as for the lower house. The basis of office holding was property. "The man of small means might vote, but none save well to-do christians could legislate, and in many states none but a rich christian could be a governor. * * * Heavy property qualifications were added, for the governor must not only be pious but rich. In one state he must own property worth £100, in another £5,000, in South Carolina, £10,000."

Hildrith quotes C. Pinckney as saying, "I was opposed to the establishment of an undue aristocratic influence; but he thought it essential that the members of the legislature, the executive, and the judges should be possessed of competent property to make them independent and respectable. Were he to fit the quantum, he should not think of less than $10,000 for the president, half as much for each of the judges and in like proportion for the members of the legislature."[1]

The social-political power based on property rights is further shown by the system of representaion adopted by the thirteen original states. "In but one did it rest on population. In New England members of the upper house were chosen in districts or countries, and were in proportion to the amount of public taxes paid in each."

[1]Hildrith. History of the United States, 2:507.

In New York the number of senators from a district were in proportion to the number of freeholders owning estates valued above £100.

To own property gave a man the right to vote, to own more property, gave the right to hold some offices, to own still more property, gave the right to hold other and higher offices.

Representation in the National House of Representatives passed through an evolution similar to that of local and state representation. "A proposition was adopted declaring that the share of each state should be in proportion to the value of all lands within its border granted to or surveyed for any person with the value of all buildings and improvements added."[1]

Strong as was the religious feeling among the early colonists as a qualification for voting and holding office it was abandoned long before the property qualification was discontinued. "In New England the religious qualifications were abolished in 1691, through the efforts of the crown, and property substituted. This excluded nine-tenths of all adult males from participating in colonial elections and at least one-half from taking part in the town meeting."[2]

A reaction took place. By 1820 seven new states had entered the union, two of which restricted the franchise to "free white males" who paid a tax.[3] The idea, that all men should vote and not simply money-men, gained force. By 1860 property qualifications for voting and holding office were largely cast off.[4]

The states of the northwest have not had property qualifications. The new states of the south did require property qualifications for governors and assemblymen. "Frontier settlements are always unfavorable to social and other distinctions."[5] The overthrow of the social power of wealth in the field of American politics is not yet quite complete, for in a few states a property qualification is still required.[6]

For Suffrage, South Carolina (1895) own property assessed at $300.00.

Louisiana, (1898) same as South Carolina.

[1]McMaster, 20.
[2]Ashley. The American Federal State, 60.
[3]McMaster, 24.
[4]Thorpe. A History of the American People, 416.
[5]Ashley. The American Federal State, 130. [2]Ibid, appendix, Tables I and II.

QUALIFICATIONS OF VOTERS (1900).

Rhode Island, a residence of two years, unless an owner of property worth $134.00, or pay rental of $7.00 a year, to vote for city councilors or on finance.

Pennsylvania, pay state or county tax, if 22 years of age or over.

South Carolina, own property assessed at $300.00, paid poll tax.

Mississippi, paid taxes for two years previous.

Louisiana, read or write, or own property assessed at $300.00, unless the person or his ancestors voted before January 1, 1867.

Arkansas, pay poll tax.

Tennessee, pay poll tax.

CHAPTER IV.

THE ILLICIT USE OF WEALTH.

To-day wealth is a potent factor in the political field, formerly it held political power, now it seeks to control this power by purchase direct and indirect.

The manner in which the ward politician makes use of wealth to acquire and retain political favor is most admirably told by Miss Jane Addams.[1]

The real leaders of the people make themselves a part of the life of the community whose interests they control. They live near the masses of the voters, they know them intimately, they realize their needs and to these needs they minister. What wonder that the mass of the voters vote for a certain alderman when it is his money that bails them out when they are arrested, it is his influence with the police justice that helps them out materially when they come to trial, and not alone with the police justice but with the magistrate and with the state's attorney. For whom else would the Italian padrone vote when, after intercepting the notices sent by the commissioners to notify certain Italian day laborers that they were upon the eligible list

[1]Adams. Democracy and Social Ethics, 221-277.

and to report for work at a given day, sold these same notices to the same workmen for $5.00 each and a share in the wage, and was convicted and fined $75.00 for the act, again, for whom else would he vote after his alderman promptly paid the fine and gave him assurance of protection from any further trouble.

This same alderman, just for pure friendliness (?), pays the rent when the family cannot do so, finds "jobs" for the men, divides among his followers all the places from the city hall that he can seize.

He gives presents at weddings, family festivals and holidays, distributes passes on the railroad, buys numerous tickets to the benefit entertainments, contributes to prizes for the handsomest woman, most popular man, or most beautiful baby, scatters dollars instead of pennies at the church bazaars.

Perhaps at no other times is his money more in evidence than at the funerals of the poor. When no coffin could be had but for his buying (for no disgrace could be felt so keenly as to have a member of one's family buried at county expense) no carriages to ride in save through his bounty, no flowers, no minister, in fact no funeral. What limit can be placed on the power his wealth exists. He manages several saloons where good fellowship is always in evidence, he distributes tons of turkevs each Christmas, furnishes cigars, not by ones, but by handfulls, all the "jobs" and offices in any way connected with the city pay roll come as his gift, all requests to the council go through him. This same alderman, whose career has just been reviewed, gave $3,000.00 to uniform and equip a boys' temperance club in one of the churches of his ward. This is but one phase of the politician's use of wealth.

Conclusion.

Society is dynamic. Political society has not stood still. Its movements have not been uniform. Each movement has produced an advance. Early political societies were dominated by Greed and Fear. This explains why in early societies one man could secure much power.

The mass fearful of the foe accepted the man of arms. The insecurity of normadic conditions gave rise to the rule of the one and of the few. The one and the few became autocratic and their rule despotic. Reaction and revolution took place

the absolute state fell. Individual rights were granted and guaranteed. Mass struggled against class and mass aided by social and economic changes won.

Throughout all these changes wealth has played a conspicuous rôlè. Men early recognized the social power of wealth and that it was the stepping stone to the satisfaction of desires for political power. Political power passed from the control of the Fighting-man to the Rich-man. Men have sought wealth in order that they might be able to secure this power of rule.

The changes in economic and industrial life have made the common man count. These changes placed wealth within the reach of the many and the many have secured political rights and privileges.

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